

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Title 25 of the District of Columbia Official Code to make amendments to the law regulating the sale, transportation, and consumption of alcoholic beverages.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2022”.

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) The table of contents for Subchapter II is amended by adding new section designations to read as follows:

“§ 25-130. Third-party alcohol delivery license.

“§ 25-131. Commercial lifestyle center license.”.

(2) Section 25-101 is amended as follows:

(A) A new paragraph (4A) is added to read as follows:

“(4A) “Alcohol training and education certification provider” means any person or entity approved by the Board to conduct an alcohol training and education certification program as set forth in § 25-121.”.

(B) Paragraph (12) is amended by striking the phrase “licensed wholesalers for the purpose of resale to other licensees.” and inserting the phrase “other licensees as authorized in § 25-117(a)(1).” in its place.

(C) New paragraphs (14A) and (14B) are added to read as follows:

“(14A) “CLC license” means the commercial lifestyle center license established by § 25-131.

“(14B) “Closed container” means a container with a tamper-evident seal or lid, including a seal or lid that indicates whether the closure has been interfered with or removed, designed to prevent consumption without the removal of the seal or lid.”.

(D) Paragraph (15A) is repealed.

(E) A new paragraph (15B) is added to read as follows:

“(15B) “Commercial lifestyle center” means a mixed-use or commercial development having a combination of retail, residential, dining, entertainment, office, or hotel establishment located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners’ association responsible for the management, maintenance, and operation of the common areas of the development.”.

(F) A new paragraph (17A) is added to read as follows:

“(17A) “Curbside delivery” means deliveries made to a clearly designated location that is adjacent to the licensed premises of the off-premises retailer, on-premises retailer, or manufacturer holding an on-site sales and consumption permit, including the parking lot or within 200 feet of the licensed premises.”.

(G) A new paragraph (18A) is added to read as follows:

“(18A) “Deposit-refund” means a fee at least equal to the cost of the reusable container that a customer pays when purchasing a beverage or food product in a reusable container that is refunded to the customer upon returning the container to the establishment.”.

(H) Paragraph (21A) is amended by striking the phrase “and disc jockeys” and inserting the phrase “disc jockeys, and trivia nights during which microphones are used” in its place.

(I) A new paragraph (31A) is added to read as follows:

(31A) “Management agreement” means an operational agreement between the licensee and a third-party governing the necessary managerial functions of an establishment for a fee.”.

(J) A new paragraph (38B) is added to read as follows:

“(38B) “Prepared food” means food that is prepared or cooked on the premises that does not require further preparation for dine-in, carry-out, or delivery.”.

(K) Paragraphs (44) and (44A) are redesignated as paragraphs (44A) and (44B), respectively.

(L) A new paragraph (44) is added to read as follows:

“(44) “Reusable container” means a container for a beverage or food product that is specifically designed to be sanitized and to be used at least 125 times.”.

(M) Paragraph (49)(B) is amended by striking the figure “15%” and inserting the figure “21%” in its place.

(N) A new paragraph (52A) is added to read as follows:

“(52A) “Third-party delivery company” means a platform or business that is registered to conduct business in the District, has a contractual relationship with a holder of an off-premises retailer, on-premises retailer, or manufacturer license to provide local, same-day delivery services or facilitate the sale of alcoholic beverages for local same-day deliveries to consumers through the use of the internet, a mobile application, or a similar technology platform, and uses its own employees or independent contractors. The term third-party delivery company

does not include such a platform or business that provides an interstate shipment through the use of a common carrier as defined in § 25-772 (a) and (b).”.

(3) Section 25-112 is amended by adding a new subsection (i) to read as follows:

“(i)(1) An applicant for a grocery store that is newly constructed with a certificate of occupancy issued after January 1, 2021, that meets the requirements of § 25-333(f) shall be permitted to apply for one 25% grocery store class A retailer license in either Ward 7 or Ward 8. After 12 months of operation in either Ward 7 or Ward 8, the holder of a 25% grocery store class A retailer license shall be permitted to apply for one additional 25% grocery store class A retailer license for a grocery store that is newly constructed with a certificate of occupancy issued after January 1, 2021, that meets the requirements of § 25-333(f) at a location in Wards 1 through 6.

“(2) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to each ward referenced in this subsection.”.

(4) Section 25-113 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (3) is amended by adding a new subparagraph (D) to read as follows:

“(D)(i) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered with the Board under subparagraph (C) of this paragraph may also register with the Board to sell to a consumer beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from up to 2 additional locations other than the licensed premises. Board approval shall not be required for the additional registration under this paragraph; provided, that:

“(I) The licensee separately registers with the Board, pays a fee of \$100, and receives written authorization from ABRA prior to offering alcoholic beverages to consumers for carryout or delivery at an additional location;

“(II) The licensee, the additional location’s owner, or a prior tenant at the additional location possesses a valid certificate of occupancy for the building used as the additional location, unless the additional location is located on outdoor private space;

“(III) The licensee has been legally authorized by the owner of the building or the property utilized as the additional location to utilize the space for carryout or delivery to a consumer;

“(IV) The licensee agrees to follow all applicable Department of Consumer and Regulatory Affairs and Department of Health laws and regulations; and

“(V) The additional location from which the licensee intends to offer alcoholic beverages to a consumer for carryout or delivery is located in a commercial or mixed-use zone as defined in the District’s zoning regulations.

“(ii) The on-premises retailer licensee shall not offer, beer, wine, or spirits to a consumer for carryout and delivery on public space; except, that an additional location permitted pursuant to this subparagraph may include a sidewalk café that has been issued a public space permit by the District Department of Transportation.

“(iii) The on-premises retailer licensee who has registered to sell beer, wine, or spirits for carryout or delivery to a consumer in accordance with this subparagraph shall do so only at an additional location.

“(iv) An on-premises retailer licensee who has registered to sell beer, wine, or spirits for carryout or delivery to a consumer pursuant to this subparagraph may do so for no more than 60 calendar days; except, that upon approval by the Board of a written request from an on-premises licensee to extend carryout or delivery alcohol sales to a consumer from the additional location pursuant to this subparagraph, the licensee may continue for one additional 30 calendar-day period. A licensee shall not sell beer, wine, or spirits for carryout or delivery to a consumer for off-premises consumption from the additional location for more than 90 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

“(v) The on-premises retailer licensee registered to sell alcoholic beverages for carryout or delivery to a consumer from an additional location in accordance with this subparagraph is authorized only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

“(vi) The Board may fine, suspend, cancel, or revoke an on-premises retailer license and shall revoke its registration to sell beer, wine, or spirits for carryout and delivery to a consumer at the additional location if the licensee fails to comply with subparagraphs (i) through (v) of this subparagraph.

“(vii) This subparagraph shall expire on December 31, 2023.”.

(ii) A new paragraph (6) is added to read as follows:

“(6)(A) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer licensee, class A, B, or C, with an on-site sales and consumption permit, or a Convention Center food and alcohol business may register with the Board in 2022 and 2023 to sell, serve, and permit the consumption of beer, wine, and spirits to consumers on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license for the entire 12 months of 2022 and 2023. Board approval shall not be required to register; provided, that the licensee:

“(i)(I) Registers with the Board in 2022 and 2023;

“(II) Pays a \$100 fee;

“(III) Notifies the Office of Advisory Neighborhood Commissions by electronic mail of the registration; and

“(IV) Receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;

“(ii) Registers with the District Department of Transportation (“DDOT”) prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and

“(iii) Agrees to follow all applicable Mayor’s Orders and Department of Consumer and Regulatory Affairs, Department of Health, DDOT, and ABRA regulations and administrative issuances.

“(B) An on-premises retailer licensee, class C or D, or a manufacturer licensee, class A, B or C, with an on-site sales and consumption permit or a Convention Center food and alcohol business that has registered with the Board and receives written authorization from ABRA to sell, serve, and permit the consumption of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its license in accordance with subparagraph (A) of this paragraph shall:

“(i) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District’s zoning regulations;

“(ii) Abide by the terms of its public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space; and

“(iii) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

“(C) Registration under subparagraph (A) of this paragraph shall be valid for the entire 12 months of 2022 and 2023. The Board may fine, suspend, or revoke an on-premises retailer license, class C or D, or a manufacturer license, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

“(D)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement-agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.

“(ii) The Board shall not interpret settlement-agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or expanded outdoor space, the use of which is permitted under this paragraph.

“(iii) The Board shall not interpret settlement-agreement language that restricts or prohibits the operation of permanent outdoor space to prohibit the temporary operation of sidewalk cafés or summer gardens.

“(iv) The Board shall require all on-premises retailer licensees, class C or D, or manufacturer licensees, class A or B, with an on-site sales and consumption

permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by DDOT or the property owner.

“(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of the settlement agreement that address currently licensed outdoor space for a period not to exceed 180 days.

“(E) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer gardens enclosed by awnings or tents having no more than 2 sides shall be considered outdoor space, and areas enclosed by retractable glass walls and other forms of operable walls shall not be considered outdoor space. Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under subparagraph (A) of this paragraph.”

(B) Subsection (b) is amended as follows:

(i) Paragraph (4) is repealed.

(ii) Paragraph (5) is amended to read as follows:

“(5)(A) Notwithstanding any other provision of this subchapter, the holder of a class CR retailer license shall be authorized to permit a patron to remove one partially consumed bottle or other container of wine or spirits for off-premises consumption. The holder of a class DR retailer license shall be authorized to permit a patron to remove one partially consumed bottle or other container of wine for off-premises consumption.

“(B) A partially consumed bottle or other container of wine or spirits that is to be removed from the premises must be securely resealed by the licensee or the licensee’s employee before removal from the premises.

“(C) The partially consumed bottle or container shall be placed in a bag or other closed container that is secured in such a manner that it will be visibly apparent whether the closed container has been subsequently opened or tampered with, and a dated receipt for the bottle or container of wine or spirits shall be provided by the licensee and attached to the closed container.

“(D) A licensee that registers with the Board under subparagraph (A) of this paragraph shall not be required to satisfy the notice or posting requirements set forth in §§ 25-421 and 25-422.”

(C) Subsection (c)(4) is repealed.

(D) Subsection (e)(7) is amended to read as follows:

“(7)(A) Notwithstanding any other provision of this subsection, a retailer class CH licensee under this section is authorized to permit a patron to remove one partially consumed bottle or container of wine or spirits for off-premises consumption. The holder of a class DH retailer license shall be authorized to permit a patron to remove one partially consumed bottle or other container of wine for off-premises consumption.

“(B) A partially consumed bottle or other container of wine or spirits that is to be removed from the premises shall be securely resealed by the licensee or the licensee’s employee before removal from the premises.

“(C) The partially consumed bottle or other container shall be placed in a bag or other closed container that is secured in such a manner that it will be visibly apparent whether the closed container has been subsequently opened or that a person has tampered with the closed container.

“(D) The licensee or the licensee’s employee shall provide a dated receipt for the bottle or other container of wine or spirits, which shall be attached to the closed container.”.

(E) Subsection (i) is amended as follows:

(i) Paragraph (5) is amended to read as follows:

“(5) Wholesalers and off-premises retailer licensees, class A or AI, may sell alcoholic beverages to caterers licensed under this subsection regardless of the number of persons attending the catered event.”.

(ii) A new subparagraph (6) is added to read as follows:

“(6) A caterer shall be prohibited from holding a catered event under its license that takes place on a public street that has been closed by the District government.”.

(5) Section 25-113.01 is amended as follows:

(A) Subsection (b)(2) is amended by striking the phrase “8:00 a.m. and 12:00 a.m.” and inserting the phrase “6:00 a.m. to 1:00 a.m.” in its place.

(B) Subsection (c) is amended by striking the phrase “8:00 a.m. and 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(C) A new subsection (c-1) is added to read as follows:

“(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer licensee, class C or D, or a manufacturer licensee, class A, B, or C, with an on-site sales and consumption permit may conduct business on a ground floor or street level outdoor public or private space, including the sale, service, and consumption of alcoholic beverages; provided, that the licensee complies with § 25-113(a)(6).”.

(6) Section 25-117 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “licensed wholesalers for the purpose of resale to other licensees” and inserting the phrase “licensed wholesalers, and retailers” in its place.

(ii) A new paragraph (5) is added to read as follows:

“(5)(A) A licensee holding a brew pub endorsement shall be permitted to sell and deliver annually up to 15,500 gallons of malt beverages brewed at the location to other retail licensees for resale purposes.

“(B) A licensee holding a brew pub endorsement shall deliver malt beverages brewed at its location to other licenses through the services of an employee or an independent contractor. The licensee shall not use a third-party delivery company or platform.

“(C) The Board shall issue proposed regulations to require the holders of brew pub endorsements to provide quarterly reports evidencing compliance with the requirements of this paragraph.”

(B) Subsection (a-2) is amended by striking the phrase “beer pub endorsement” wherever it appears and inserting the phrase “brew pub endorsement” in its place.

(7) Section 25-118 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “a licensee shall” and inserting the phrase “a licensee that holds a tasting permit shall” in its place.

(B) Subsection (e) is amended by striking the phrase “8:00 a.m. and 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(C) Subsection (f)(1) is amended by striking the phrase “8:00 a.m. and 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(D) Subsection (g)(1) is amended to read as follows:

“(g)(1) The Board may issue a tasting permit to a private collector to conduct tastings closed to the public between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.”

(8) Section 25-120(h) is amended by striking the phrase “proof of certification to the Board on a form supplied by a Board-approved training provider” and inserting the phrase “to the Board a copy of the certificate received from the Alcohol training and education certification provider” in its place.

(9) Section 25-125(d)(2) is amended by striking the phrase “7:00 a.m. to 12:00 a.m.” and inserting the phrase “6:00 a.m. to 1:00 a.m.” in its place.

(10) New sections 25-130 and 25-131 are added to read as follows:

“§ 25-130. Third-party alcohol delivery license.

“(a) A third-party alcohol delivery license shall be required for a third party to deliver alcoholic beverages on behalf of the holder of an off-premises retailer license, an on-premises retailer license, or a manufacturer license to a consumer and not for resale purposes.

“(b) An off-premises retailer, on-premises retailer, or a manufacturer licensed under this title may utilize the services of a third-party alcohol delivery licensee by means of the telephone, Internet, mobile application, or other electronic means to facilitate the ordering of alcoholic beverages.

“(c)(1) A licensee shall not deliver any alcoholic beverage pursuant to orders received unless upon delivery the licensee verifies that the recipient is at least 21 years of age by checking his or her valid government-issued photo identification.

“(2) At the time of delivery, the licensee shall verify that the recipient of the alcoholic beverage is not visibly intoxicated.

“(d)(1) Alcoholic beverages shall be delivered only in closed containers.

“(2) Alcoholic beverages shall not be delivered to an address on a university, college campus, or any elementary or secondary school located in the District of Columbia.

“(e) A third-party alcohol delivery license shall be valid for 3 years.



“(f) A third-party alcohol delivery licensee shall file semi-annual reports with the Board by January 30 and July 30 of each year, which shall include:

“(1) The total number of alcoholic beverages that were delivered during the previous half of the year;

“(2) The name and address of the licensed establishment with which the alcohol delivery order was placed; and

“(3) The date the alcoholic beverage was delivered.

“(g) A third-party alcohol delivery licensee shall maintain the books and records reflecting the date, address, and recipient of the alcohol delivery for each delivery and the name and business address of the person making the delivery on the licensed premises or at a Board-approved location for 3 years. The third-party alcohol delivery licensee shall make these books and records available to the Board and ABRA investigators within 3 business days of receiving a written request from the Board or ABRA.

“(h) An off-premises retailer, on-premises retailer, or a manufacturer licensed under this title that utilizes the services of a third-party alcohol delivery licensee to sell or deliver alcohol shall register with the Board, at no cost, to utilize the services of the third-party delivery company. Board approval shall not be required to register if the licensee:

“(1) Registers with the Board each third-party delivery company it will be utilizing prior to utilizing the services of the third-party delivery company to sell or deliver alcohol; and

“(2) Agrees to follow all applicable District laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section.

“(i) In the event that an off-premises retailer license, an on-premises retailer license, or a manufacturer license is suspended, a third-party alcohol delivery licensee’s authorization to deliver alcoholic beverages on behalf of that holder of the off-premises retailer license, on-premises retailer license, or a manufacturer license shall automatically be suspended for the same period that the off-premises retailer license, an on-premises retailer license, or a manufacturer license is suspended.

“(j) In the event that an off-premises retailer license, an on-premises retailer license, or a manufacturer license is cancelled or revoked, a third-party alcohol delivery licensee’s authorization to deliver alcoholic beverages on behalf of that holder of the off-premises retailer license, on-premises retailer license, or a manufacturer license shall be cancelled or revoked.

“§ 25-131. Commercial lifestyle center license.

“(a) A CLC license may be issued to a commercial owners’ association governing a commercial lifestyle center.

“(b) A CLC license shall permit a licensed restaurant, tavern, nightclub, hotel, or multipurpose facility, including a private club, that is a tenant of the commercial lifestyle center (“center facility”) to sell beer, wine, or spirits for consumption on the portion of the licensed

premises designated by the Board, including a plaza, seating area, concourses, walkways, and other such thoroughfares.

“(c) A holder of a CLC license shall be permitted to allow a patron to consume beer, wine, or spirits purchased from a center facility on the premises of any tenant of the commercial lifestyle center, excluding a parking lot, that is not a retail establishment licensed by the Board upon approval of the tenant.

“(d) The Board shall give notice of the CLC license application pursuant to § 25-421.

“(e) A holder of a CLC license shall:

“(1) Be located in a commercial or mixed-use zone area as defined by the Board of Zoning Adjustment;

“(2) Prohibit persons from consuming alcoholic beverages within the commercial lifestyle center that were not purchased from a center facility;

“(3) Require a center facility to place the beer, wine, or spirits provided to consumers in reusable containers that are distributed and recollected through a deposit-refund system, and subsequently sanitized, which may be provided through third-party reusable food service ware providers, as defined by § 8-1531(9), for reuse;

“(4) Demonstrate in its CLC license application how the center facility plans to acquire reusable containers, sanitize the containers, and ensure the containers are reused.

“(5) Require that each tenant in the center facility has an identifying mark on their reusable containers distinguished from all other tenants as approved by and registered with ABRA.

“(6) Post appropriate signage identifying the boundaries of the licensed facility center;

“(7) Have adequate security for the licensed facility center to ensure compliance with this title and Title 23 of the District of Columbia Municipal Regulations; and

“(8) Have adequate trash receptacles on the licensed premises and ensure the licensed premises is free of trash and other debris that may attract rats and other vermin.

“(f)(1) If the Department of Energy and Environment determines that the licensee has failed to serve a beverage in a reusable container, the Department of Energy and Environment shall impose a penalty on the licensee.

“(2) The penalty required under paragraph (1) of this subsection shall be a class 4 infraction under the Schedule of Fines in section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201), pursuant to § 2-1801.01 *et seq.* (“Civil Infractions Act”). Adjudication of any infraction shall be pursuant to the Civil Infractions Act.

“(g) There shall be 2 classes of CLC licenses, which will be the:

“(1) Class C/L (spirits, beer, and wine); and

“(2) Class D/L (beer and wine).”.

“(h) Within 180 days of the effective date of the Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2022, passed on 2nd reading on April 5, 2022 (Enrolled version of Bill 24-44), the Board shall issue rules clarifying the parameters of the authority of

private security in carrying out their duties while working the licensed premises of a center facility.”.

(b) Chapter 2 is amended as follows:

(1) Section 25-205 is amended as follows:

(A) Subsection (a)(2) is amended to read as follows:

“(2) The support for, and objections to, the granting of licenses.”.

(B) Subsection (b) is amended to read as follows:

“(b)(1) The Board shall maintain its records in a manner that allows disclosure to any person who has requested access to public records, except for those records or portions of records that are protected from disclosure by the exemptions listed in § 2-531 *et seq.* (“FOIA”).

“(2) Requests to obtain copies of records maintained by the Board shall be submitted in writing to ABRA’s FOIA Officer pursuant to FOIA requirements.

“(3) The FOIA Officer shall respond to a FOIA request with a grant or a denial for access to records within 15 business days after the date of receipt of the request. The 15-business-day limit may be extended up to an additional 10 business days for unusual circumstances, as set forth in § 2-532(d).

“(4) Reasonable fees and costs may be imposed upon requesters pursuant to § 2-532(b) and (b-1).”.

(C) Subsection (d) is repealed.

(c) Chapter 3 is amended as follows:

(1) Section 25-303 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) A new paragraph (2A) is added to read as follows:

“(2A) Notwithstanding paragraph (2) of this subsection, a licensee under an on-premises retailer license, class CR, DR, CT, or DT, may hold an interest in one off-premises retailer license, class A, B, AI, or BI, and a third-party alcohol delivery license.”.

(ii) Paragraph (3) is amended by striking the phrase “hold an interest in any other license” and inserting the phrase “hold an interest in any other license; except, that an off-premises retailer licensee, class A or B, may hold an interest in one on-premises retailer license class CR, DR, CT, or DT” in its place.

(iii) Paragraph (4) is amended to read as follows:

“(4) No licensee under an off-premises retailer license, class AI or BI, shall hold an interest in any other license; except, that an off-premises retailer licensee, class AI or BI, or a full-service grocery store class B or 25% grocery store class A may hold an interest in a third-party alcohol delivery license and one on-premises retailer license, class CR, DR, CT, or DT, and up to 5 off-premises retailer licenses, Class AI or BI.”.

(iv) A new paragraph (5) is added to read as follows:

“(5) No licensee under an on-premises retailer license, an off-premises retailer license, or a manufacturer license shall hold a direct or indirect interest in a third-party alcohol delivery license; except, that an on-premises retailer licensee class CR, DR, CT, or DT, an off-

premises retailer licensee class AI, BI, or full-service grocery store class B or 25% grocery store class A may hold a direct or indirect interest in a third-party alcohol delivery license.”.

(B) Subsection (c-1) is amended by striking the phrase “class CR or DR” and inserting the phrase “class CR, DR, CT, or DT” in its place.

(C) A new subsection (c-2) is added to read as follows:

“(c-2)(1) Notwithstanding subsection (a) of this section, the holder of an off-premises retailer license, class A or B, shall be permitted to apply for one 25% grocery store class A retailer license for a grocery store that is newly constructed with a certificate of occupancy issued after January 1, 2021, that meets the requirements of § 25-333(f) and is located in either Ward 7 or Ward 8.

“(2) After 12 months of operation in either Ward 7 or Ward 8, the holder of a 25% grocery store class A retailer license pursuant to paragraph (1) of this subsection shall be permitted to apply for one additional 25% grocery store class A retailer license for a grocery store that is newly constructed with a certificate of occupancy issued after January 1, 2021, that meets the requirements of § 25-333(f) at a location in Wards 1 through 6.

“(3) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to each ward referenced in this subsection.”.

(2) Section 25-314(b) is amended by adding a new paragraph (12) to read as follows:

“(12) The 400-foot restriction shall not apply to an establishment operating under a 25% grocery store class A retailer license issued pursuant to § 25-303(c-2).”.

(3) Section 25-331(e) is amended by striking the phrase “class AI,” and inserting the phrase “class AI or 25% grocery store class A,” in its place.

(4) Section 25-333 is amended as follows:

(A) A new subsection (c-2) is added to read as follows:

“(c-2)(1) Notwithstanding subsection (a) of this section, the holder of an off-premises retailer license, class A or B, shall be permitted to apply for one 25% grocery store class A retailer license in either Ward 7 or 8.

“(2) After 12 months of operation in either Ward 7 or 8, the holder of a 25% grocery store class A retailer license shall be permitted to apply for one additional 25% grocery store class A retailer license at a location in Wards 1 through 6.

“(3) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to each ward referenced in this subsection.”.

(B) A new subsection (f) is added to read as follows:

“(f)(1) This section shall not prohibit the issuance of a 25% grocery store class A retailer license for the sale of alcoholic beverages if:

“(A) The applicant’s establishment is newly constructed with a certificate of occupancy issued after January 1, 2021, and is located in either Ward 7 or 8, as set forth in § 1-1041.03(a);

“(B) The establishment’s primary business and purpose is the sale of at least 6 of the 7 following food categories:

- “(i) Fresh fruits and vegetables;
- “(ii) Fresh and uncooked meats, poultry, or seafood;
- “(iii) Dairy products;
- “(iv) Canned foods;
- “(v) Frozen foods;
- “(vi) Dry groceries and baked goods; or
- “(vii) Non-alcoholic beverages;

“(C) A minimum of 8,000 square feet of the retail establishment’s selling area is dedicated to the sale of at least 6 of the 7 food item categories listed in subparagraph (B) of this subsection and the sale of alcoholic beverages constitutes no more than 25% of the total volume of gross receipts on an annual basis;

“(D) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District or, if located within the Southeast Federal Center, in the SEFC-1; and

“(E) The establishment files with the Board within 60 days after the end of each year a statement of expenditures and receipts (“annual statement”) containing:

“(i) The total amount of receipts for the sale of alcoholic beverages, indicating the:

- “(I) Amount received for the sale of alcoholic beverages;
- “(II) Amount received for the sale of food and items other

than alcoholic beverages; and

“(III) Percentage of the total amount of receipts represented by the amounts specified in sub-sub-subparagraphs (I) and (II) of this sub-subparagraph;

“(ii) A statement indicating the method used to compute the amounts and percentages; and

“(iii) An affidavit, executed by the individual licensee, partner of an applicant partnership, or the appropriate officer of an applicant corporation, partnership, or limited liability company, attesting to the truth of the annual statement.

“(2) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to the ward referenced in this subsection.”.

(5) Section 25-339 is amended to read as follows:

“§ 25–339. Special restrictions for the Georgetown historic district.

“(a) There shall be no nightclub license holders, class C or D, within the Georgetown Historic District. No existing nightclub license shall be transferred to any location within the

Georgetown Historic District.

“(b) Subject to subsection (f) of this section, the number of tavern license holders, class C or D, within the Georgetown Historic District shall not exceed 12. No existing tavern license shall be transferred from outside of the Georgetown Historic District to any other location within the Georgetown Historic District, except when the number of tavern license holders in the Georgetown Historic District is less than 12.

“(c) Notwithstanding the requirements of Subchapter IV of this Chapter, beginning after the effective date of the Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2022, passed on 2nd reading on April 5, 2022 (Enrolled version of Bill 24-44), there shall be a 3-year moratorium on any exceptions or changes to the limitation established in subsection (b) of this section.

“(d)(1) Upon the expiration of the moratorium established pursuant to subsection (c) of this section, at the request of any group with standing pursuant to § 25-601, the Board may hold a public hearing to determine whether the limitation set forth in subsection (b) of this section should be terminated or modified.

“(2) The public hearing shall be in the nature of a rulemaking hearing under § 2-505 and not in the nature of a contested case under § 2-509.

“(3) At the public hearing, any interested person may appear to give oral or written testimony.

“(4) After the Board issues rules to terminate or modify the limitation on tavern licenses, the Board may hold future public hearings, not more frequently than every 5 years, in response to a moratorium petition filed pursuant to Subchapter IV of this Chapter 3 to determine the limitation on tavern licenses in the Georgetown Historic District.

“(e)(1) Subject to subsection (f) of this section, until the Board issues rules pursuant to subsection (d) of this subsection, the holder of a retailer license in the Georgetown Historic District shall be prohibited from applying for a conversion of its license to a tavern license, class C or D, and the Board shall only issue a new tavern license in the Georgetown Historic District to an applicant for an establishment:

“(A) Of a new business or new entity with a new trade name formed after January 1, 2022; and

“(B) That has a new certification of occupancy issued after January 1, 2022.

“(2)(A) An applicant that is issued a new tavern license shall begin operation within 18 months after receiving the Board’s approval.

“(B) If the holder of a new tavern license does not begin operation within 18 months of the Board’s approval, the tavern license shall be deemed cancelled by the Board unless the licensee receives a 60-day extension from the Board for good cause.

“(C) A licensee issued a new tavern license under this paragraph shall not be entitled to more than one 60-day extension from the Board.

“(f) Upon rules being issued, and published, pursuant to subsection (d) of this section, subsections (b) and (e) shall not apply.”.

(6) Section 25-342 is amended by adding a new subsection (d) to read as follows:

“(d) The restrictions set forth in subsections (b) and (c) of this section shall not apply to an off-premises retailer license, class A or B, that operated as a full-service grocery store or received an exception from the Board pursuant to § 25-346(c) that is in Ward 7 but that was located in Ward 6 prior to the effective date of the Ward Redistricting Emergency Amendment Act of 2021, effective December 29, 2021 (D.C. Act 24-264; 69 DCR 1), or the Ward Redistricting Amendment Act of 2021, effective February 24, 2022 (D.C. Law 24-74; 69 DCR 10).”.

(7) Section 25-343 is amended as follows:

(A) A new subsection (b-1) is added to read as follows:

“(b-1)(1) Notwithstanding subsection (b) of this section, the holder of a retailer license, class B, that meets the definition of a full-service grocery store as set forth in § 25-101(22A), or a 25% grocery store retailer license, class A, as set forth in § 25-333(f), in Ward 8 shall be allowed to divide a manufacturer’s package of more than one container of beer, malt liquor, or ale to sell an individual container of the package that is 70 ounces or less.

“(2) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to the ward referenced in this subsection.”.

(B) New subsections (d) and (e) are added to read as follows :

“(d)(1) Notwithstanding subsection (c) of this section, the holder of a retailer license, class B, that meets the definition of a full-service grocery store as defined in § 25-101(22A), or a 25% grocery store retailer license, class A, as set forth in § 25-333(f), in Ward 8 shall be allowed to sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.

“(2) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to the ward referenced in this subsection.

“(e) The restrictions set forth in subsections (b) and (c) of this section shall not apply to an off-premises retailer licensee, class A or B, that operated as a full-service grocery store or received an exception from the Board pursuant to § 25-346(c) that is in Ward 8 but that was located in Ward 6 prior to the effective date of the Ward Redistricting Emergency Amendment Act of 2021, effective December 29, 2021 (D.C. Act 24-264; 69 DCR 1), or the Ward Redistricting Amendment Act of 2021, effective February 24, 2022 (D.C. Law 24-74; 69 DCR 10).”.

(8) Section 25-374 is amended as follows:

(A) Subsections (e), (f), and (g) are repealed.

(B) A new subsection (h) is added to read as follows:

“(h)(1) Within 2 years of the effective date of Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2022, passed on 2nd reading on April 5, 2022 (Enrolled version of Bill 24-44) (“Reopen Washington DC Act”), a class CN retailer license with a nude dancing endorsement under § 25-371(b) whose lease within the Buzzard Point section of Ward 6 expired or otherwise became ineffective within 24 months prior to the effective date of the Reopen Washington DC Act shall be permitted to transfer its license to a new location; provided that, the applicant satisfies the requirements set forth in §§ 25-314, 25-317, 25-421 and 25-422.

“(2) Notwithstanding any other provision of this section, an application filed pursuant to this subsection shall permit the applicant to transfer its license and endorsement to any location in the Central Business District, or zoned D-2, D-3, D-4, D5, D-6, D-7, D-8, or PDR1-PDR7.

“(3) The transfer of a CN license with a nude dancing endorsement pursuant to paragraph (1) of this subsection shall be approved within 2 years of the effective date of the Reopen Washington DC Act.

“(4) For the purposes of this subsection, the election ward boundaries in effect from January 1, 2012, through December 31, 2021, apply to the ward referenced in this subsection.”.

(d) Chapter 4 is amended as follows:

(1) Section 25-401(c) is amended by striking the phrase “shall sign a notarized statement certifying” and inserting the phrase “shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a copy thereof, certifying” in its place.

(2) Section 25-402 is amended as follows:

(A) Subsection (d) is repealed.

(B) A new subsection (e) is added to read as follows:

“(e)(1) An applicant for a new manufacturer, wholesaler, or retailer license shall complete a mandatory licensee training offered, at no cost, by ABRA within 90 calendar days of being issued the license.

“(2) Failure to comply with paragraph (1) of this subsection may result in the Board issuing a fine or suspending or revoking the license in accordance with chapter 8 of this title.”.

(3) Section 25-403 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “verify, by affidavit” and inserting the phrase “self-certify” in its place.

(B) Subsection (e) is repealed.

(4) Section 25-421 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “the Board under 25-404, or for the transfer of a license to a new location, of a retailer’s license, the Board shall give notice of the application to the following parties” and inserting the phrase “the Board under § 25-404, for the transfer of a retailer license to a new location, or for a unilateral petition to amend or



terminate a settlement agreement, the Board shall give notice, in accordance with subsection (e) of this section, of the application to the following parties” in its place.

(B) Subsection (e) is amended to read as follows:

“(e) The Board shall give notice to the ANC by electronic mail on or before the first day of the 45-day comment period to:

“(1) The ANC office with a copy to each ANC member;

“(2) The ANC chairperson; and

“(3) The ANC member in whose single-member district the establishment is or will be located.”.

(C) Subsection (h) is amended by striking the phrase “after 12:00 a.m.” and inserting the phrase “after 1:00 a.m.” in its place.

(5) Section 25-443 is amended to read as follows:

“§ 25-443. Subpoena of witnesses.

“(a)(1) Any party may, by written motion, request that the Board subpoena the appearance and testimony of a witness or the production of documents.

“(2) A request for a subpoena shall state the relevancy and scope of the testimony or documentary evidence sought, including, as to documentary evidence, the identification of all documents requested and the facts sought to be proven by them in sufficient detail to establish relevancy.

“(3) A party to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, request the Board to quash or modify the subpoena.

“(4) A motion to quash or modify the subpoena shall be accompanied by a brief statement setting forth the reasons for the motion.

“(5) The Board may quash or modify the subpoena upon a showing of good cause.

“(b) Subpoenas issued by the Board shall be served:

“(1) By an officer of the Metropolitan Police Department;

“(2) By personal service on the party being subpoenaed;

“(3) By leaving the subpoena at the person’s District Government office with the person in charge of the office; or

“(4) By mailing the subpoena by registered or certified mail to the person at the person’s last known address.

“(c) The Board may, upon the failure by a person to obey a subpoena served upon him or her, apply to the Superior Court of the District of Columbia for an order requiring the person to appear before the Board to give testimony, produce documentary evidence, or both.”.

(e) Chapter 5 is amended as follows:

(1) The table of contents is amended by adding a new section designation to read as follows:

“§ 25-513. Minimum fee for third-party alcohol delivery license.”.

(2) Section 25-504 is amended by adding a new subsection (c) to read as follows:

“(c) The minimum annual fee for a commercial lifestyle center license shall be:

“(1) Class C/L \$ 1,000; and

“(2) Class D/L \$ 750.”

(3) Section 25-508 is amended by striking the period and inserting the phrase “Sports wagering \$100/year.” in its place.

(4) A new section 25-513 is added to read as follows:

“§ 25-513. Minimum fee for third-party alcohol delivery license.

“The minimum annual fee for a third-party alcohol delivery license shall be \$200.”

(f) Chapter 7 is amended as follows:

(1) The table of contents is amended as follows:

(A) A new section designation 25-704 is added to read as follows:

“§ 25-704. Management agreements.”

(B) The section designation for section 25-766 is amended to read as follows:

“§ 25-766. Prohibited statements in advertisements.”

(C) A new section designation 25-767 is added to read as follows:

“§ 25-767. Outdoor common seating area.”

(2) A new section 25-704 is added to read as follows:

“§ 25-704. Management agreements.

“(a) A licensee or applicant who enters into a management agreement with a third-party for the management of a licensed premises shall provide the Board with a copy of the agreement within 30 calendar days of execution.

“(b) Notice of cancellation or termination of a management agreement shall be provided in writing to the Board within 30 calendar days of the cancellation or termination.”

(3) Section 25-711(f) is amended to read as follows:

“(f) While managing or working at a licensed establishment, the owner, Board-approved manager, or employees or agents of a retailer, manufacturer, or wholesaler licensee shall carry a valid identification document on his or her person while on duty, including if he or she is outside of the licensed establishment or delivering alcoholic beverages, and shall show the identification document upon request to an ABRA investigator or a member of the Metropolitan Police Department.”

(4) Section 25-721 is amended as follows:

(A) Subsections (a), (a-1), and (b) are amended to read as follows:

“(a) A licensee under a wholesaler license shall sell and deliver alcoholic beverages to other licensees only between the hours of 5:00 a.m. and 1:00 a.m., Monday through Saturday.

“(a-1) Notwithstanding subsection (a) of this section, a licensed wholesaler may sell and deliver alcoholic beverages to District residents or to customers for curbside delivery between the hours of 5:00 a.m. and 1:00 a.m., Monday through Sunday.

“(b) In addition to the provisions in subsection (a) of this section, a licensed wholesaler, class A or B, may deliver alcoholic beverages to other licensees between the hours 5:00 a.m. and 1:00 a.m., on Sunday.”.

(B) Subsection (d) is amended by striking the phrase “and the homes of District of Columbia residents” and inserting the phrase “and to District residents or provide to customers by curbside delivery” in its place.

(5) Section 25-722 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “alcoholic beverages” and inserting the phrase “alcoholic beverages to District residents or provide to customers by curbside delivery” in its place.

(B) Subsection (b) is amended to read as follows:

“(b) The Board may also permit a licensee under an off-premises retailer license, class A or B, to sell or deliver alcoholic beverages to District residents or provide to customers by curbside delivery between the hours of 6:00 a.m. and 1:00 a.m. on Sundays subject to settlement agreement pursuant to § 25-446.”.

(6) Section 25-723 is amended as follows:

(A) Subsection (b) is amended as follows:

(i) Strike the phrase “and subsections (c), (d), and (g)” and insert the phrase “and subsections (c) and (e)” in its place.

(ii) Strike the phrase “on-premises retailer’s” and insert the phrase “on-premises retailer license” in its place.

(iii) Strike the word “consume” and insert the phrase “permit the consumption of” in its place.

(B) New subsections (b-1) and (b-2) are added to read as follows:

“(b-1) Except as provided in § 25-724 and subsection (c) and (e) of this section, the licensee under an on-premises retailer license or manufacturer license that holds an on-site sales and consumption permit may deliver alcoholic beverages to the home of District residents, or provide to customers for curbside delivery at any time between the hours of:

“(1) 6:00 a.m. and 1:00 a.m., Monday through Friday, excluding District and federal holidays; and

“(2) 6:00 a.m. and 1:00 a.m. on Saturday and Sunday, excluding District and federal holidays.

“(b-2) Notwithstanding subsection (b) of this section, a holder of a commercial lifestyle center license may operate and permit the sale, service, and consumption of alcoholic beverages on the licensed premises between the hours of 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and 7:00 a.m. and midnight, Friday and Saturday.”.

(C) Subsection (c) is amended as follows:

(i) Paragraph (1) is amended by striking the word “consume” and inserting the phrase “permit the consumption of” in its place.

(ii) Paragraph (2) is amended by striking the word “consume” and inserting the phrase “permit the consumption of” in its place.

(iii) Paragraph (4) is amended by striking the phrase “and a public safety plan”.

(D) Subsection (e)(1) is amended as follows:

(i) Strike the phrase “manufacturer’s license” and insert the phrase “manufacturer license holding an on-site sales and consumption permit” in its place.

(ii) Strike the word “consume” and insert the phrase “permit the consumption of” in its place.

(iii) Subparagraph (A) is amended by striking the phrase “and a public safety plan,”.

(7) Section 25-725(b)(3) is amended by striking the phrase “commercial or manufacturing zone” and inserting the phrase “commercial, manufacturing, or mixed-use zone” in its place.

(8) Section 25-733(b) is repealed.

(9) Section 25-751(c) is repealed.

(10) Section 25-766 is amended to read as follows:

“§ 25-766. Prohibited statements in advertisements.

“Advertisements and written notices or other documents that are displayed or provided to the public that contain false or misleading statements with respect to any material fact shall be prohibited.”.

(11) A new section 25-767 is added to read as follows:

“§ 25-767. Outdoor common seating area.

“(a) An applicant for a commercial lifestyle center license may apply to the Board to operate one or more outdoor common seating areas on private space to be utilized by patrons purchasing food and alcoholic beverages from licensed on-premises retailers for carry-out; provided, that:

“(1) The outdoor common seating area is clearly defined and marked with signage;

“(2) Alcoholic beverages consumed in the outdoor common seating area are in plastic or non-glass containers of no more than 16 ounces;

“(3) Alcoholic beverages are labeled with the trade name, logo, or other labeling unique to the licensee;

“(4) Patrons remain seated while consuming food and alcohol;

“(5) There is no bar in the outdoor common seating area;

“(6) No food or alcoholic beverage service is provided in the outdoor common seating area;

“(7) Open alcoholic beverages may not be taken from the outdoor common seating area into a licensed establishment;

“(8) Only alcoholic beverages purchased from licensed establishments may be brought into the outdoor common seating area; and

“(9) Any unfinished alcoholic beverage must be discarded prior to or upon leaving the licensed premises of the commercial lifestyle center.”.

(12) Section 25-781 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (1) is amended by striking the semicolon and inserting the phrase “; or” in its place.

(ii) Paragraph (2) is amended by striking the phrase “; or” and inserting a period in its place.

(iii) Paragraph (3) is repealed.

(B) Subsection (b) is amended as follows:

(i) Paragraph (1) is amended by striking the semicolon and inserting the phrase “; or” in its place.

(ii) Paragraph (2) is amended by striking the phrase “; or” and inserting a period in its place.

(iii) Paragraph (3) is repealed.

(C) Subsection (f)(3) is amended by striking the phrase “suspend the licensee” and inserting the phrase “suspend the license” in its place.

(D) A new subsection (f-1) is added to read as follows:

“(f-1) The stayed suspension days imposed by the Board pursuant to subsection (f) of this section shall activate and be served by the licensee upon a finding by the Board that the licensee has committed another primary tier violation within one year of the date that the violation that resulted in the stayed suspension was adjudicated.”.

(E) A new subsection (h) is added to read as follows:

“(h)(1) It shall be an affirmative defense to a charge under this section that the licensee or the licensee's employee was shown and inspected a fake or fraudulent identification document of such quality, and that lacked any of the indicia of a fake or fraudulent identification listed in paragraph (2) of this subsection, that a reasonable person would believe that it was valid.

“(2) For the purposes of this subsection, if at the time of inspection, any of the following were present, the presumption shall be that a reasonable person would not believe that the identification document shown was valid:

“(A) The identification was visibly damaged.

“(B) The identification lacked the physical materials or features of the valid identification being imitated.

“(C) The photograph contained in the identification that was shown did not match the bearer.

“(D) The identification is displayed past the printed expiration date.

“(E) The licensee or their agent knew the person was under the age of 21.”.

(13) Section 25-783(e) is amended to read as follows:

“(e) It shall be an affirmative defense to a violation of subsection (a) of this section that:

“(1) The person was at the time of the violation 21 years of age or older; or

“(2) The licensee or a licensee’s employee was shown and inspected a fake or fraudulent identification document of such quality that a reasonable person would, in accordance with § 25-781(h), believe that it was valid.”.

(14) Section 25-791(c-1)(3) is amended by striking the phrase “serving a suspension” and inserting the phrase “serving a suspension or a nightclub licensee with a nude dancing endorsement” in its place.

(g) Chapter 8 is amended as follows:

(1) The table of contents is amended by adding a new Subchapter III designation to read as follows:

“Subchapter III. Licensee Use of Security.

“§ 25-836. Security plans and security cameras.”.

(2) Section 25-822 is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(B) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

(C) A new paragraph (4) is added to read as follows:

“(4) The licensee has been convicted of assaulting an ABRA investigator or a member of the Metropolitan Police Department during the commission of an ABRA investigation.”.

(3) Section 25-823(a)(5) is amended to read as follows:

“(5) The licensee interferes or fails to cooperate with an ABRA or Metropolitan Police Department investigation by:

“(A) Refusing to allow an ABRA investigator, a designated agent of ABRA, or a member of the Metropolitan Police Department to enter or inspect without delay the licensed premises;

“(B) Refusing to allow the examination of the licensee’s books and records of the business;

“(C) Providing false or misleading statements with the intention of influencing, impeding, or obstructing the investigation;

“(D) Destroying or concealing evidence; or

“(E) Failing to produce the requested documents, records, or videos no more than 48 hours from the time of the request.”.

(4) Section 25-826(a) is amended by striking the phrase “safety of the public” and inserting the phrase “safety of the public or that the licensee or its agent has assaulted an ABRA investigator or a member of the Metropolitan Police Department during the commission of an investigation” in its place.

(5) Section 25-830(a) is amended as follows:

(A) Strike the phrase “60-day period of review” both times it appears and insert the phrase “90-day period of review” in its place.

(B) Strike the phrase “deem disapproved” and insert the phrase “deemed approved” in its place.

(6) A new section 25-836 is added to read as follows:

“§ 25-836. Security plans and security cameras.

“(a) The following license holders shall be required to file and maintain a written and compliant security plan with the Board:

“(1) Nightclubs; and

“(2) Any other license holder that the Board, in its discretion, requires that the license holder submit a written security plan.

“(b) If a security plan is required in accordance with subsection (a) of this section, no license shall be approved, issued, or renewed unless the applicant has a security plan in compliance with the requirement on file with the Board.

“(c) In accordance with subsection (a)(2), the Board may require a licensee to file a security plan by providing the licensee with written notice of the requirement.

“(d) The Board may suspend the license of any licensee that fails to file or maintain a compliant security plan within 15 days after receiving written notice from the Board of the security plan requirement until the Board is satisfied that a compliant security plan has been submitted.

“(e) A written security plan filed pursuant to this subsection shall include at a minimum:

“(1) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(A) Conflict resolution;

“(B) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(C) Procedures for crowd control and preventing overcrowding;

“(2) Procedures for permitting patrons to enter the establishment;

“(3) A description of how security personnel are stationed inside and in front of the establishment;

“(4) The number and location of security cameras used by the establishment;

“(5) Procedures to prevent patrons from becoming intoxicated;

“(6) Procedures to ensure that only persons 21 years or older are served or consume alcohol;

“(7) Procedures for maintaining an incident log; and

“(8) Procedures for preserving a crime scene.

“(f) A licensee may amend or replace an existing security plan on file with the Board by filing a new security plan that is compliant with this section.

“(g) A licensee who is required by the Board, pursuant to a Board Order or by the terms of a security plan or a settlement agreement, or who voluntarily installs and utilizes security cameras on the licensed premises, shall:

“(1) Ensure that the security cameras are operational, capable of recording, and actually recording while the establishment is in operation;

“(2) Maintain any video footage of a crime of violence or a crime involving a gun for a minimum of 30 calendar days;

“(3) Make the video footage available within 48 hours upon the request of an ABRA investigator or any member of the Metropolitan Police Department; and

“(4) Ensure that the establishment and security cameras comply with all technological and operational standards, such as resolution, frame per record, storage, retention, and image quality standards, that the Board may establish by regulation.

“(h) If the licensee knows or reasonably should have known that the cameras are not operational and capable of recording, the licensee shall notify the Board within 10 calendar days of when the licensee knew or reasonably should have known that the cameras are not operating and provide the Board with proof of corrective maintenance or replacement.

“(i)(1) A security plan that has been amended by the licensee after initial submission to the Board must be filed with the Board within 10 calendar days of the amended plan.

“(2) If the licensee has been previously issued a written warning about timely compliance with paragraph (1) of this subsection, the failure to comply with paragraph (1) of this subsection may result in the Board issuing a fine against the licensee or suspending or revoking the license in accordance with Chapter 8 of this title.”.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia



**ENROLLED ORIGINAL**

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Mayor  
District of Columbia