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Chairman Vincent C. Gray  
at the request of the Mayor

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill,  
which was referred to the Committee on \_\_\_\_\_.

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To amend Title 25 of the District of Columbia Official Code to define the term holiday;  
to clarify what constitutes a miniature; to allow class C and D retail licensees to  
purchase from class A retail licensees when District wholesalers are closed; to  
make it a secondary tier violation to knowingly allow a patron to exit an on-  
premises establishment with an open container of alcohol; to require taverns to  
have a security plan; to clarify conflicts of interest in licensure to allow the holder  
of a restaurant license to apply for a class A or class B retailer's license; to  
exempt class B retail licensees with alcoholic beverage sales under 25% from the  
400-foot restriction; to permit the issuance of additional class B retail licenses if  
the total number of class B retail licenses falls below 300; to create a stipulated  
license fee; to create a fee for maintaining licenses in safekeeping; to make it a  
primary tier violation to sell or serve alcoholic beverages on a suspended or  
expired license; and to make it a primary tier violation to not be in compliance  
with the statutory food requirements.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Omnibus Alcoholic Beverage Regulation Amendment  
Act of 2010".

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

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

(1) A new paragraph (24B) is added to read as follows:

1                   “(24B) “Holiday” means a holiday recognized by the Federal or District of  
2 Columbia government.”.

3                   (2) A new paragraph (32A) is added to read as follows:

4                   “(32A) “Miniature” means an alcoholic beverage in a sealed container  
5 holding 50 milliliters or less.”.

6                   (c) Section 25-112(c) is amended by adding a new paragraph (2A) to read as  
7 follows:

8                   “(2A) Licensees under a temporary license or an on-premises retailer’s  
9 license, class C or D, if the alcoholic beverages were purchased by the off-premises  
10 retailer from a licensee under a wholesaler license; provided, that sales to an on-premises  
11 retailer license, class C and D, may be made only on a Saturday, Sunday, or holiday  
12 during the hours when licensees under a wholesaler’s license are closed; provided further,  
13 that an on-premises retailer’s licensee shall maintain on the licensed premises for 3 years  
14 either a receipt or invoice containing:

15                                   “(A) The date of the purchase;

16                                   “(B) The quantity and brand name of the alcoholic beverages  
17 purchased; and

18                                   “(C) The name of the on-premise licensee to which the sale was  
19 made.”.

20                   (d) Section 25-113 is amended as follows:

21                   (1) Subsection (a)(2)(A) is amended by adding the sentence “It shall be a  
22 secondary tier violation for an on-premises retailer’s licensee, class C or D, to knowingly  
23 allow a patron to exit the licensed establishment with an alcoholic beverage in an open

1 container.” at the end.

2 (2) Subsection (c)(4) is amended to read as follows:

3 “(4) A tavern license (T) shall be issued only to a tavern with a security plan.  
4 The holder of a tavern license shall comply with the terms of its security plan.”.

5 (e) Section 25-303(a) is amended as follows:

6 (1) Paragraph (2) is amended by adding the sentence “This  
7 requirement shall not apply to an applicant for a restaurant license who is not the holder  
8 of a wholesaler’s license.” at the end.

9 (2) Paragraph (3) is amended by adding the sentence “This  
10 requirement shall not apply to an applicant for a restaurant license who is not the holder  
11 of a wholesaler’s license.” at the end.

12 (f) Section 25-314(b)(2) is amended by striking the phrase “caterer’s, or  
13 temporary license” and inserting the phrase “caterer’s, temporary license, or class B  
14 retailer’s license where the sale of alcoholic beverages for consumption off-premises  
15 constitutes no more than 25% of the total volume of gross receipts on an annual basis” in  
16 its place.

17 (g) Section 25-332(a) is amended to read as follows:

18 “(a) No new off-premises retailer’s license, class B, shall be issued; except, if the  
19 number of class B retailer’s licenses falls under the quota of 300 set forth in section 25-  
20 331(b), the Board may issue a new class B retailer’s license; provided, that a condition of  
21 such a license shall be that the sale of alcoholic beverages for consumption off-premises  
22 may constitute no more than 25% of the total volume of gross receipts of the licensee on  
23 an annual basis. No more than one class B retailer’s license under this subsection shall

1 be issued to the same applicant or to an individual with an ownership interest in another  
2 license issued under this subsection. The issuance of new class B retailer’s licenses  
3 under this subsection shall be tracked and may be audited by ABRA and shall be subject  
4 to the reporting requirements set forth in section 25-112(e).”.

5 (h) Section 25-333(b) is amended by adding the sentence “In the case of an  
6 application for a class B retailer’s license under which, pursuant to section 25-332(a), the  
7 sale of alcoholic beverages for consumption off-premises may not exceed 25% of the  
8 total volume of gross receipts on an annual basis, a license shall not be issued for an  
9 establishment which is located within 400 feet from another establishment operating  
10 under an off-premises retailer’s license, class A or class B.” at the end.

11 (i) Section 25-402 is amended as follows:

12 (1) Subsection (d) is amended to read as follows:

13 “(d) The applicant for a nightclub or tavern license shall file a written security  
14 plan with the Board.”.

15 (2) Subsection (e) is amended to read as follows:

16 “(e) The Board may require, in its sound discretion, the applicant for a restaurant  
17 or multipurpose facility to file a written security plan with the Board.”.

18 (j) Section 25-403 is amended as follows:

19 (1) Subsection (e) is amended to read as follows:

20 “(e) In the case of an application for renewal of a tavern or nightclub license, the  
21 applicant shall submit a written security plan.”.

22 (2) Subsection (f) is amended to read as follows:

23 “(f) In the case of an application for renewal for a restaurant or multipurpose

1 facility license, the Board may, in its sound discretion, require that the applicant submit a  
2 written security plan.”.

3 (k) Section 25-501 is amended by adding a new subsection (f) to read as  
4 follows:

5 “(f) The fee for a stipulated license shall be 25% of the annual license or  
6 endorsement fee.”.

7 (l) Section 25-791 is amended by adding a new subsection (h) to read as follows:

8 “(h) The Board shall assess licenses in safekeeping a safekeeping fee, which shall  
9 be 25% of the annual license fee for every 6 months that the license remains in  
10 safekeeping. If the license remains in safekeeping for 2 years, the safekeeping fee shall  
11 increase to 50% of the annual license fee for every 6 months that the license remains in  
12 safekeeping after the 2-year period. The fee shall be paid by the licensee at the time the  
13 license is placed in safekeeping. Each 6-month fee shall be paid in advance by the  
14 licensee. The initial 6-month fee shall be paid by the licensee at the time of the license is  
15 placed in safekeeping. The safekeeping fee shall not apply to licensees serving a  
16 suspension.”.

17 (m) Section 25-830 is amended by adding new subsections (i) and (j) to read as  
18 follows:

19 “(i) It shall be a violation for a licensee to sell or serve alcohol on a suspended or  
20 expired license.”.

21 “(j) It shall be a violation for a licensee to not be in compliance with either of the  
22 statutory food requirements set forth in section 25-113.”.

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1           Sec. 3. Fiscal impact.

2           The Council adopts the fiscal impact statement in the committee report as the  
3 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home  
4 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
5 206.02(c)(3)).

6           Sec. 4. Effective Date.

7           This act shall take effect following approval by the Mayor (or in the event of veto  
8 by the Mayor, action by the Council to override the veto), a 30-day period of  
9 Congressional review as provided in section 602(c)(1) of the District of Columbia Home  
10 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
11 206.02(c)(1)), and publication in the District of Columbia Register.