

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 clarify that unless otherwise authorized wholesalers and manufacturers are not permitted to sell alcoholic beverages to an unlicensed person, that wholesalers are required to store products in the District of Columbia for a minimum of 4 hours at the licensed location, unload the inventory, and keep inventory records, to repeal outdated language regarding druggists, to allow a manager's license to remain in effect for 3 years, to prohibit managers from allowing another person to use his or her license or to borrow another person's license, to exempt holders of an off-premises retailer's license, class AI or BI, from the requirement that such a license holder possess a manager's license, to clarify which persons involved with a licensed establishment must report their criminal background, to remove the requirement that a licensee's license to manufacture, sell, or permit the consumption of alcoholic beverages must be posted under glass, to require that if a licensee has a settlement agreement or security plan it must be noted on the license, to repeal the prohibition against back-up drinks, to allow persons who are at least 18 years old to deliver alcoholic beverages, to require the Office of Tax and Revenue to notify the Board when a licensee is the subject of a citation, revocation, or other enforcement action, to authorize the Board to revoke a licensee's license if the Board has cause to believe that the licensee has been evicted from or has otherwise vacated the licensed premises, to make it unlawful for a licensee to knowingly tamper with evidence, and to clarify that it is unlawful for a person to forge a license or document issued by the Alcoholic Beverage Regulation Administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Enforcement Amendment Act of 2019".

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

(a) Chapter 1 is amended as follows:

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

(A) A new paragraph (11A) is added to read as follows:

“(11A) “Board-approved manager” and “manager” mean a person, other than the owner, who is licensed by ABRA who is required to be on duty and on the premises during the

approved licensed hours of sales, service, and consumption of alcoholic beverages.”.

(B) A new paragraph (46A) to read as follows:

“(46A) “Service” unless the context indicates a different meaning, means to directly or indirectly provide, give, furnish, distribute, or provide for the consumption of alcoholic beverages.”.

(C) Paragraph (48B) is redesignated as paragraph (48C).

(D) A new paragraph (48B) is added to read as follows:

“(48B) “Solicitor” means a person licensed by ABRA who is a representative of the wholesaler or manufacturer whose name appears on the solicitor’s license and who is permitted to sell alcoholic beverages on behalf of the wholesaler or manufacturer.”.

(2) Section 25-102(b) is amended by striking the phrase “No wholesaler or manufacturer” and inserting the phrase “Except as permitted by this title, no wholesaler or manufacturer” in its place.

(3) Section 25-111 is amended as follows:

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

“(a-1) A holder of a wholesaler’s license, class A or B, shall not ship or deliver alcoholic beverages in accordance with subsection (a) of this section unless the alcoholic beverages are:

“(1) Delivered to and unloaded upon the wholesaler’s licensed premises;

“(2) Kept inside of the wholesaler’s licensed premises for a minimum of 4 hours;

and

“(3) Recorded in the wholesaler’s inventory.”.

(B) Subsection (b) is repealed.

(4) Section 25-120 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “valid for 2 years” and inserting the phrase “valid for 3 years” in its place.

(B) Subsection (d) is amended by striking the phrase “shall be recertified every 2 years” and inserting the phrase “shall be recertified every 3 years” in its place.

(C) Subsection (i)(A) is amended as follows:

(i) The lead-in text is amended to read as follows:

“The Board may fine, suspend, revoke, or not renew the manager’s license of a manager who within the prior 3 years has:”.

(ii) Sub-subparagraph (v) to read as follows:

“(v) Allowed the manager’s license to be used by another person or borrowed another person’s license.”.

(b) Chapter 7 is amended as follows:

(1) The table of contents for subchapter I is amended by striking the phrase “§ 25-702. Employees – notice of employee’s criminal convictions” and inserting the phrase, “§ 25-702. Notice of criminal conviction” in its place.

(2) Section 25-701(c) is amended by striking the phrase, “wholesaler’s license” and inserting the phrase “wholesaler’s license or off-premises retailer’s license, class AI or BI,” in its place.

(3) Section 25-702 is amended to read as follows:

“§ 25-702. Notice of criminal conviction.

“A licensee shall immediately notify the Board in writing if the licensee discovers that a Board-approved manager, owner, or solicitor has been convicted for an offense other than a minor traffic offense; except, that there shall be no notification required for any such conviction that is more than 5 years old.”.

(4) Section 25-711 is amended as follows:

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

“(a)(1) The holder of a license to manufacture, sell, or permit the consumption of alcoholic beverages shall post the license in the licensed establishment.

“(2) If a settlement agreement or security plan is a part of the license, the license shall be marked “settlement agreement” or “security plan” or both.

“(3)(A) Upon request, a licensee shall make a copy of the settlement agreement and the security plan immediately accessible to an ABRA official or an officer with the Metropolitan Police Department.

“(B) Upon request, a licensee shall make a copy of the settlement agreement immediately accessible to a member of the public. A licensee shall not be required to disclose its security plan to anyone other than an ABRA official or an officer of the Metropolitan Police Department.”.

(B) Subsection (b) is amended by striking the phrase “license or a club” and inserting the phrase “license, manufacturer’s license, or a club” in its place.

(5) Section 25-741(b) is repealed.

(6) Section 25-784(b) is amended by striking the phrase “on the licensed premises”.

(c) Chapter 8 is amended as follows:

(1) Section 25-804(a) is amended as follows:

(A) Strike the phrase “the Department of Consumer and Regulatory Affairs and the Fire Department” and insert the phrase “the Department of Consumer and Regulatory Affairs, the Office of Tax and Revenue, and the Fire and Emergency Medical Services” in its place.

(B) Strike the phrase “subject of a citation or other enforcement action” and insert the phrase “subject of a citation, revocation, or other enforcement action” in its place.

(2) The table of contents for subchapter II is amended by adding a new section designation to read as follows:

“§ 25-825a. Cancellation when licensee has been evicted from the licensed premises.”.

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

(A) Paragraph (8) is amended by striking the word “or”.

(B) Paragraph (9) is amended by striking the period and inserting the phrase, “; or” in its place.

(C) A new paragraph (10) is added to read as follows:

“(10)(A) The licensee knowingly tampers with evidence.

“(B) For purposes of this paragraph, the term “tampers with evidence” means any action that destroys, alters, conceals, or falsifies any sort of evidence.”.

(4) A new section 25-825a is added to read as follows:

“§ 25-825a. Cancellation when licensee has been evicted from the licensed premises.

“(a) If the Board, after an investigation, but before a hearing, has cause to believe that a licensee has been evicted from the premises or has otherwise vacated the premises and an application for safekeeping or transfer to a new location or person has not been submitted, the Board shall issue an order cancelling the license after providing the licensee with written notice and 30 days to submit a written request to the Board to hold a hearing.

“(b) The order shall be served on the licensee in person, by certified mail, or by e-mail at an e-mail address in ABRA’s records.”.

(5) Section 25-835 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “being a genuine license” and inserting the phrase “being a genuine document or license” in its place.

(B) Subsection (b) is amended by striking the phrase “being a genuine license” and inserting the phrase “being a genuine document or license” in its place.

**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement 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

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Mayor  
District of Columbia