

# Reopen Washington DC Alcohol Act Information Session

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# PRESENTER



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# AGENDA



- ABRA Overview
- Law Overview
- Applications and Requirements
- Q&A

# ABRA OVERVIEW



- The **Alcoholic Beverage Regulation Administration (ABRA)** is an independent agency within DC Government charged with supporting the public's health, safety and welfare through the control and regulation of the sale and distribution of alcohol and medical cannabis.
- ABRA operates under the authority of the **Alcoholic Beverage Control (ABC) Board**, made up of seven (7) DC residents nominated by the Mayor and confirmed by the DC Council. **Donovan Anderson** is the current ABC Board Chairperson.

# LAW OVERVIEW





# LAW OVERVIEW

- In May 2022, Mayor Muriel Bowser signed the ***Reopen Washington DC Alcoholic Beverage Regulation Administration Amendment Act of 2021*** (*Reopen Washington DC Alcohol Act*). The Act became effective on June 30 following the legally mandated congressional review period.
- Included are bold and innovative provisions aimed at boosting DC's economic recovery, removing hurdles to launching and growing businesses, addressing healthy food priority areas, and creating opportunities to engage and attract residents and visitors.
- The complete legislation text and history is detailed at [lims.dccouncil.us/Legislation/B24-0044](https://lims.dccouncil.us/Legislation/B24-0044).

# KEY PROVISIONS





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## ATTRACTS NEW FULL-SERVICE GROCERY STORES TO HEALTHY FOOD PRIORITY AREAS

- Creates a new 25 percent full-service grocery store Class A alcohol license permitting the sale of beer, wine, and spirits for off-premises consumption. Permits a new 25 percent full-service grocery store to sell single containers of beer in Ward 8 but not in Ward 7.
- Requires applicants interested in opening a Class A full-service grocery store in Wards 1-6, to first open and operate a Class A full-service grocery store in Wards 7 or 8, in a Ward 5 “qualifying zone,” or in the growing Ward 6 Buzzard Point neighborhood for a minimum of twelve (12) months.





# KEY PROVISIONS

## CREATES A COMMERCIAL LIFESTYLE LICENSE

- Creates a new alcohol license that allows persons to consume alcohol purchased from alcohol licensed tenants of the licensee on premises within predefined boundaries not licensed by ABRA, including outdoors.
- The license class/type is limited to mixed-use commercial developments located on private property that are pedestrian friendly and governed by a commercial owners' association, such as The Wharf, City Center, Buzzard Point, and Walter Reed.
- Public streets and parks do not qualify, nor can a Business Improvement District or Main Street apply for a commercial lifestyle license.
- Of note—Participating tenants must provide alcohol in reusable containers that are distributed and recollected through a deposit-refund system. Each tenant's cups must feature a unique identifying mark.



# KEY PROVISIONS

## EXTENDS THE STREATERY PROGRAM THROUGH 2023

- Alcohol licensed establishments may operate their registered streatery for all 12 months in 2022 and 2023, for an annual registration fee of \$100. Licensees will be subject to the District's Department of Transportation's streatery design standards once approved.

## ALLOWS NEW TAVERNS IN GEORGETOWN

- Increases the cap of taverns to 12, maintains the prohibition of nightclubs, and institutes a three (3) year moratorium on any exceptions or changes to the limitations set within the Georgetown historic district. *Previously, the tavern cap was six (6).*



# KEY PROVISIONS

## CREATES A THIRD-PARTY ALCOHOL LICENSE

- Creates a new license to regulate the delivery of alcohol by delivery companies on behalf of on-premises retailers and manufacturers. *Previously, delivery companies operated without any specific statutory requirements.*

## PERMITS DOGGY BAGS OF SPIRITS

- Allows restaurants and hotels to permit dining patrons to leave with partially consumed bottles of spirits. *Previously, patrons were permitted only to leave an establishment with partially consumed bottles of wine.*



# KEY PROVISIONS

## ELIMINATES APPLICATION HURDLES

- Permits applicants to self-certify alcohol applications and use electronic signatures.
- Eliminates requirement for nightclubs to resubmit their security plan with their renewal application. *Previously, security plans were required to be submitted with each renewal application.*

# ADDITIONAL CHANGES



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## REVISES EXISTING, ADDS NEW DEFINITIONS

- **Spirits** | Increases the required alcohol by volume (ABV) to be classified as a spirit from 15% to 21%. Is not intended to restrict what a distillery may already produce.
- **Curbside Delivery** | Requires this service amenity be a clearly designated location that is within 200 feet of the licensed premises.
- **Prepared Food** | Defines the food purchase requirement that must accompany alcohol for carry-out or delivery as food that is prepared or cooked on-premises and does not require further preparation for dine-in, carryout, or delivery.



# ADDITIONAL CHANGES

## INCREASES SERVICE HOURS

- Manufacturers, (Classes A/B/C), Wholesalers (Classes A/B), and private collectors may now provide tastings between 6:00 a.m. to 1:00 a.m., daily.
- Manufacturers (Classes A/B/C) with an On-Site Sales and Consumption Permit may now use licensed sidewalk cafes, summer gardens, and approved entertainment endorsements between 6:00 a.m. to 1:00 a.m., daily.
- Manufacturers may now offer curbside delivery between 6:00 a.m. and 1:00 a.m., daily.
- Wholesalers may now deliver alcohol between 5:00 a.m. and 1:00 a.m., daily.



# ADDITIONAL CHANGES

## CLARIFIES LIVE ENTERTAINMENT ENDORSEMENT REQUIREMENT

- Specifies that establishments must secure an entertainment endorsement to be able to host trivia nights where a microphone is used.

## PERMANENTLY ALLOWS EMAIL NOTIFICATIONS TO ANCS

- Makes permanent electronic notice to affected ANC commissioners prior to the start of the public comment period for a new or renewal application, substantial change application, or transfer of a license to a new location.





# ADDITIONAL CHANGES

## BREW PUB SELF-DISTRIBUTION

- Allows licensees holding a brew pub endorsement to sell and deliver annually up to 15,500 gallons of malt beverages brewed at the location to other retail licensees for resale purposes.

## ALLOWS AN AFFIRMATIVE DEFENSE

- Recognizes that high-quality fake IDs are being utilized by minors by allowing an affirmative defense to a charge where a staff member sells/serves a minor alcohol after having being shown a photo identification that a reasonable person would believe is valid. Exceptions apply.

# APPLICATIONS & REQUIREMENTS





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- Applications for all new license types, including the 25 percent full-service grocery store Class A, commercial lifestyle, and third-party delivery licenses, will be made available in **early August**.
- Current licensees wanting to:
  - Increase operating hours for tastings, summer garden and summer café usage, approved endorsements, or curbside delivery must submit a ***Substantial Change Application***.
  - Offer trivia, or any other type of live entertainment, must submit an ***Entertainment Endorsement Application***.
  - All applications are subject to public comment and ABC Board approval. Increasing hours prior to ABC Board approval may result in fines and/or license suspension.

# APPLICATIONS & REQUIREMENTS



- Wholesalers do not need to apply to modify their delivery hours but should consult with licensees on any delivery hour restrictions imposed by a Board Order or Settlement Agreement.
- ABRA will email licensees operating a registered “streatery” an invoice for the \$100 fee in **early August**. Payment must be received by September 30, 2022. Failure to do so may result in a Cease and Desist Order being issued and fines. New licensees will be required to pay the fee upon applying.
- Quick Guides and applications permitting self-certification and electronic signature will be updated and be made available in **early August**.

# Q&A

