

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF SECOND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2019 Repl.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of a second proposed rulemaking to amend Chapter 2 (License and Permit Categories) and Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

On June 24, 2020, the Board approved the License and Permit Categories Notice of Proposed Rulemaking, by a vote of seven (7) to zero (0). The proposed rulemaking sought to amend Chapter 2 by:

1. Revising and clarifying auction permits – public, personal and nonprofit wine auction permits;
2. Renaming and revising the requirements for wine and beer permits;
3. Creating a new manufacturer carryout permit;
4. Revising the requirements for storage facility permits;
5. Adding new endorsement and permit fees in order to ensure that the fees listed in Chapter 2 are consistent with Title 25 of the D.C. Official Code;
6. Updating the licensure periods; and
7. Renumbering and reorganizing the sections.

Additionally, the proposed rulemaking proposed removing the following two sections from chapter 7 (General Operating Requirements) and moving them to chapter 2 (License and Permit Categories) so that all licenses and permits are housed in the same chapter:

1. § 703 – Temporary Operating Retail Permit
2. § 711 – Permits for Sampling of Alcohol Beverages

The Board did not intend to make any substantive changes to the licensing fees (§ 208) or the application fees (§ 210). The proposed rulemaking made it clear that those fees would remain the same.

The License and Permit Categories Notice of Proposed Rulemaking was published in the *D.C. Register* on August 21, 2020, for a thirty (30)-day notice and comment. *See* 67 DCR 9986. In addition, the Board held a rulemaking hearing on September 23, 2020, to receive comment and testimony from the public concerning the proposed rulemaking. No one appeared to testify at the hearing; however, the Board did receive written comments from the District of Columbia Association of Beverage Alcohol Wholesalers, Inc. (DCABAW). The Board carefully considered each of the DCABAW's comments and decided to incorporate a few of them, which resulted in the present second proposed rulemaking. Below is a summary of the DCABAW's comments.

DISTRICT OF COLUMBIA ASSOCIATION OF BEVERAGE ALCOHOL WHOLESALEERS, INC.

1. Comments Concerning § 201 (Temporary Operating Retail Permit)

It is DCABAW's understanding that the alcoholic beverage purchases made under a Temporary Operating Retail Permit (TORP) are done so under the seller's license. Thus, they recommended that the Board amend § 201.1 to clarify that the person or entity that purchases an existing license (the Buyer) is permitted to temporarily operate under the existing licensee's (the Seller) license. Specifically, the DCABAW recommended the following language:

201.1 The purchaser of an ABC licensed establishment that seeks to continue business operations authorized by the purchased license while awaiting Board approval on a transfer of ownership application where there is no substantial change to the licensed premises may apply to the Board for a permit to temporarily operate under the purchased license pursuant to the following conditions . . .”

Additionally, the DCABAW informed the Board that it was important to the Wholesalers that purchase orders that are placed under a TORP are made by an authorized person and/or entity, and not an unregulated third party. Thus, they recommended that the Board amend § 201.3 to clarify that payments made by TORP holders are drawn from the TORP holder's bank account. Thus, they proposed the following language:

201.3 The holder of the temporary operating retail permit may purchase alcoholic beverages only by payment drawn upon the permit holder's bank account and such payment may be made by check, currency, electronic funds transfer, or other type of immediate transfer of money on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

2. Comments Concerning § 202 (Public Auction Permit)

DCABAW requested the Board's guidance to as to what is meant by the term, “licensee's successor” as used in § 202.

3. Comments Concerning § 207 (Manufacturer Carry-out Permit)

In respect to § 207, DCABAW suggests that the Board's proposed amendments would undermine the three-tier system. DCABAW states that it does not believe that this was the Board's intent, and that what the Board actually seeks to do is reduce the fee for the one-day substantial change permit. Thus, they recommend that the Board revise the proposed language to accomplish that purpose.

Similarly, DCABAW recommends that the Board amend Title 25 of the D.C. Official Code and Title 23 of the District of Columbia Municipal Regulations to use one consistent term for one-day substantial change permits. DCABAW points out that the Code and the DCMR uses “one-

day substantial change permit” and “one-day substantial change license” interchangeably but recommends using only one term to avoid confusion.

4. Comments Concerning § 208 (Disposal Permit)

Regarding § 208, DCABAW believes that disposal permits expire after thirty (30) days and seeks clarity from the Board concerning the expiration date for disposal permits. They are concerned that the proposed rulemaking’s amendment to § 204.3 would result in the disposal permit holder abusing the privilege by continuing to sell the alcoholic beverages that they otherwise were to dispose of.

5. Comments Concerning § 210 (Storage Facility Permit)

In respect to the Board’s amendments to § 210, DCABAW commented that some licensees, especially wholesalers, use storage facilities to store their products due to a lack of space at their licensed wholesaler facility. As such, they recommend that the Board revise § 210.3(b) to allow Wholesalers to transport and deliver alcoholic beverages to and from the storage facility.

BOARD’S DECISION

The Board has carefully reviewed DCABAW’s comments and agrees that further clarification or revisions are necessary to the proposed rulemaking. Specifically, the Board agrees with DCABAW’s recommendation to amend § 201.1 to clarify that the buyer of the license utilizes the seller’s license for the term of the TORP until the transfer of the license is completed. Additionally, the Board agrees with the recommended clarification that the buyer/TORP permit holder can only purchase alcoholic beverages from funds in their bank account. The Board adopts the proposed wording suggested by DCABAW for both of these suggested modifications.

In respect to § 202 (Public Auction Permit), the Board agrees that the term “licensee’s successor” is unintentionally vague and may cause confusion for the Wholesalers. Thus, it agreed to replace the term with “an involuntary transfer license holder” in § 202.1. In regard to § 207 (Manufacturer Carry-out Permit), the Board reconsidered its amendments to this section and has deleted this section in its entirety.

Finally, in regard to §§ 208 (Disposal Permit) and 210 (Storage Facility Permit), the Board agrees with DCABAW’s recommendations described above and adopts them both in this proposed rulemaking.

Because the Board’s adoption of DCABAW’s recommendations are substantive and not merely technical, the Board finds it necessary to publish the License and Permit Categories Rulemaking for a second round of comments. Thus, on this day, October 21, 2020, and by a vote of seven (7) to zero (0), the Board approves the License and Permit Categories Notice of Second Proposed Rulemaking.

Because this rulemaking was previously published for thirty (30)-day comment and a rulemaking hearing was held, to which the Board received comments from only one entity, the Board gives

notice of its intent to take final rulemaking action in fifteen (15) days as permitted by D.C. Official Code 2-505(a). Further, the Board will transmit the proposed rulemaking to the Council of the District of Columbia for a ninety (90)-day period of review in accordance with D.C. Official Code § 25-211(b)(2)(2012 Repl.), whereby Council's approval of the rulemaking is required prior to adoption.

Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 200, STIPULATED LICENSE, is amended in its entirety to read as follows:

200 STIPULATED LICENSE

200.1 An applicant who has submitted a completed license application for a manufacturer's, wholesaler's, or retailer's license may obtain a stipulated license under the following conditions:

- (a) The applicant has applied for or holds a manufacturer's, wholesaler's, or retailer's license;
- (b) The applicant has submitted a stipulated license application; and
- (c) The applicant has submitted written correspondence signed by an ANC officer where the applicant's premises is located stating that the ANC has voted with a quorum present to either support or not to object to the issuance of a stipulated license during the forty-five (45)-day protest period.

200.2 The holder of a retailer's license, class C or D, may also apply to the Board for a stipulated license in accordance with § 200.1 for any amendment or endorsement to its license that is determined by the Board to be a substantial change, including a stipulated sidewalk café, summer garden, or entertainment endorsement.

200.3 The applicant must stop serving or selling alcoholic beverages under the stipulated license if a valid protest is filed during the forty-five (45)-day protest period.

A new Section 201 is added to read as follows:

201 TEMPORARY OPERATING RETAIL PERMIT

201.1 The purchaser of an ABC licensed establishment that seeks to continue business operations authorized by the purchased license while awaiting Board approval on a transfer of ownership application where there is no substantial change to the licensed premises may apply to the Board for a permit to temporarily operate under the purchased license pursuant to the following conditions:

- (a) The transfer application must be filed with or before the application for temporary authority;
- (b) The subject premises must not have been closed nor the sale or service of alcoholic beverages discontinued during the thirty (30) days immediately prior to the filing of the permit application; and
- (c) That no substantial changes to the licensed premises will occur.

201.2 An applicant for a temporary operating retail permit shall complete an application provided by the Board that at a minimum shall include:

- (a) The name of the applicant;
- (b) The license number;
- (c) The name of the current licensee;
- (d) The address of the licensed premises; and
- (e) A signed statement that no substantial change to the licensed premises will occur.

201.3 The holder of the temporary operating retail permit may purchase alcoholic beverages only by payment drawn upon the permit holder's bank account and such payment may be made by check, currency, electronic funds transfer, or other type of immediate transfer of money on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

201.4 The temporary operating retail permit shall be valid until the applicant's transfer application is either granted or denied by the Board or until the permit is cancelled or suspended by the Board pursuant to § 201.6.

201.5 Notwithstanding § 201.4, no temporary operating retail permit shall be valid for longer than ninety (90) calendar days unless extended by the Board for good cause.

201.6 The temporary operating retail permit may, after a hearing, be cancelled or suspended at any time, if the Board determines that good cause exists for the cancellation or suspension of the permit.

A new Section 202, PUBLIC AUCTION PERMIT, is added to read as follows:

202 PUBLIC AUCTION PERMIT

- 202.1 A public auction permit shall authorize the following persons to auction alcoholic beverages for sale at a Board-approved location for purchase by other licensees or members of the public:
- (a) A licensee that is going out of business or whose license has been cancelled, revoked, or not renewed by the Board; or
 - (b) An involuntary transfer license holder.

A new Section 203, PERSONAL AUCTION PERMIT, is added to read as follows:

203 PERSONAL AUCTION PERMIT

- 203.1 A personal auction permit shall authorize the holder of the permit to auction for sale the personal alcoholic beverage stock of an individual or his or her estate at a Board-approved location for consumption off-premises by the purchasing party.
- 203.2 A personal auction permit to sell alcoholic beverages at an estate sale may be obtained by either an off-premises retailer or wholesaler licensed to carry the products being sold or an individual or corporate entity without an ABC license. However, a personal auction permit to sell an individual's own private alcoholic beverage stock not related to an estate sale must be obtained by an off-premises retailer or wholesaler licensed to carry the products being sold.

A new Section 204, PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS, is added to read as follows:

204 PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS

- 204.1 Any purchased barrel, keg, sealed bottle, or other closed container purchased at auction shall not be opened, or the contents consumed, at the approved location.
- 204.2 An auction permit issued in accordance with §§ 202 and 203 shall not be issued for more than two (2) consecutive days.
- 204.3 An auction permit issued in accordance with §§ 202 and 203 shall not be issued more than once a year to an individual or corporate entity that does not hold an ABC license.
- 204.4 Before an auction is held, the holder of an auction permit issued in accordance with §§ 202 and 203 shall provide to the Board written notice of:
- (a) The date, time and place of the auction; and
 - (b) The inventory of the alcoholic beverages to be auctioned.

The current Section 202, NONPROFIT CORPORATION AUCTION PERMIT, is amended by (a) renaming the section, (b) renumbering it § 205, (c) adding manufacturer licenses, and (d) clarifying that only wine can be auctioned, so that the entire section reads as follows:

205 NONPROFIT CORPORATION WINE PERMIT

- 205.1 A nonprofit corporation wine permit shall allow the retail sale of wine at auction, provided the auction is held as part of a fundraising event to benefit the organization's tax exempt activities. Each permit shall allow the sale of wine at a single auction only.
- 205.2 The Board shall not grant a nonprofit corporation more than two (2) nonprofit corporation wine permits in a calendar year.
- 205.3 Wine sold at auction must be purchased or donated from or through the holder of a manufacturer's, wholesaler's or retailer's license.
- 205.4 A nonprofit corporation wine permit may be issued in conjunction with a temporary license. However, wine purchased at auction shall not be opened, or the contents consumed, at the auction site.

The current Section 203, WINE AND BEER PURCHASING PERMIT, is amended by (a) renaming the section, (b) renumbering it § 206, and (c) including spirits and distillery pub permit holders, so that the entire section reads as follows:

206 RETAILER PURCHASING PERMIT

- 206.1 A retailer purchasing permit shall allow the holder of an off-premises retailer's license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement to sell spirits, wine, or beer to the public at the premises of the holder of an on-premises retailer's license, class C or D, or temporary license for off-premises consumption.
- 206.2 Alcoholic beverages purchased at the Board-approved location from the holder of an off-premises retailer's license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement under a retailer purchasing permit shall not be opened or consumed at the Board-approved location.
- 206.3 The holder of a retailer purchasing permit may remove closed containers of beer, wine, or spirits from the Board-approved location, but shall not remove opened containers of beer, wine, or spirits from the Board-approved location. This subsection shall also apply to customers who purchase or receive alcoholic beverages at the Board-approved location.

206.4 A retailer purchasing permit shall not be issued for more than four (4) consecutive calendar days.

The current Section 204, DISPOSAL PERMIT, is renumbered § 207 and is amended to read as follows:

207 DISPOSAL PERMIT

207.1 A disposal permit shall allow the holder of a retailer's license who has had its license cancelled or revoked or is going out of business to sell or transport its remaining alcoholic beverages to a wholesaler or retailer located in the District or licensed under the law of any state or territory of the United States.

207.2 Alcoholic beverages sold under a disposal permit shall be delivered either to the purchasing wholesaler or retailer's licensed location or to another Board-approved location within the District.

207.3 A disposal permit issued under this section shall expire within thirty (30) days of issuance by the Board.

A new Section 208 is added to read as follows:

208 TASTING PERMITS FOR SAMPLING ALCOHOLIC BEVERAGES

208.1 The holder of an off-premises retailer's license, class A or B who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of alcoholic beverages, during its hours of sales and service unless restricted by Board order or settlement agreement.

208.2 The holder of an off-premises retailer's license, class AI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of authorized alcoholic beverages during its hours of sales and service; provided that the tastings are:

- (a) Not open to the public; and
- (b) Limited to temporary and festival license holders and caterers.

208.3 The holder of an off-premises retailer's license, class BI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of wine and beer during its hours of sales and service; provided that the tastings are:

- (a) Not open to the public; and
- (b) Limited to temporary and festival license holders.

- 208.4 The holder of a manufacturer's license, class A, B, or C, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages between the hours set forth in D.C. Official Code § 25-118(e).
- 208.5 The holder of a wholesaler's license, class A or B, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages, between the hours set forth in D.C. Official Code § 25-118(f)(1) provided that the tastings are:
- (a) Not open to the public;
 - (b) For the purpose of educating staff and introducing products to licensees; and
 - (c) Limited to the following:
 - (1) Retailers;
 - (2) Manufacturers;
 - (3) Temporary and festival license holders;
 - (4) Solicitors; and
 - (5) Wholesaler staff.
- 208.6 The holder of an off-premises retailer's license, class AI or BI, or wholesaler's license, class A or B, or a private collector, who is issued a tasting permit may also offer samplings of alcoholic beverages at a designated common area in a storage facility, provided that the licensee is a tenant of the storage facility and the tastings are closed to the public.
- 208.7 No licensee may offer the sampling of alcoholic beverages without obtaining a tasting permit from the Board. A request for a tasting permit shall be in writing and shall:
- (a) State in detail the type of beverages to be offered in the sampling;
 - (b) Include drawings of the premises indicating the areas where the sampling is to take place; and
 - (c) State the hours and days during which the sampling is to take place.
- 208.8 Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.

- 208.9 A tasting permit issued under this section shall be valid for no longer than three (3) years. The permit shall expire on the same date as the applicant's retailer's, wholesaler's, or manufacturer's license.
- 208.10 The holder of a tasting permit shall be authorized to provide to one (1) customer in any one (1) day samples that do not exceed the following quantities:
- (a) Three ounces (3 oz.) of spirits;
 - (b) Six ounces (6 oz.) of wine; and
 - (c) Twelve ounces (12 oz.) of beer.
- 208.11 Notwithstanding § 208.10, a private collector who holds a tasting permit may offer samplings greater than six ounces (6 oz.) of wine; provided that the private collector does not serve the customer more than one two-ounce (2 oz.) sampling at a time.

The current Section 205, STORAGE FACILITY PERMIT, is renumbered § 209 and amended to read as follows:

209 STORAGE FACILITY PERMIT

- 209.1 A storage facility permit shall allow the holder to establish a bonded warehouse in the District of Columbia as a storage facility for alcoholic beverages by the holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or a caterer's license who possesses an off-premises storage permit, or for the accounts of other persons.
- 209.2 The holder of a storage facility permit shall be authorized to handle alcoholic beverages at the storage facility. The handling of alcoholic beverages under this subsection shall include the following:
- (a) Packaging and repackaging services;
 - (b) Bottle labeling services;
 - (c) Creating buckets or variety packs that may include non-alcoholic products; and
 - (d) Picking, packing, and shipping alcoholic beverage orders directly to the consumer.
- 209.3 Alcoholic beverages stored in a storage facility may be removed from the storage facility only for the purpose of being:

- (a) Exported from the District;
- (b) Shipped or delivered to a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, or retailer's license, class A, B, C, or D;
- (c) Shipped or delivered to a catered event site;
- (d) Shipped or delivered to a consumer; or
- (e) Returned to a private collector who is a tenant.

209.4 The storage facility shall be physically secure, zoned for the intended use and physically separated from any other use.

209.5 Delivery of alcoholic beverages to a storage facility shall create a bailment in favor of the holder of a storage facility permit.

209.6 Warehousing of alcoholic beverages by any person other than a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, caterer's license, or a private collector with a tenant agreement is prohibited.

209.7 A licensee may conduct other activities at the storage facility with the Board's approval; except, that the licensee shall not be permitted to sell, serve, or allow the consumption of alcoholic beverages at the storage facility except as permitted by § 209 and D.C. Official Code § 25-118.

209.8 The holder of a storage facility shall post, in a conspicuous place, the following:

- (a) A warning sign, in accordance with the requirements set forth in § 719.1;
- (b) A copy of the storage facility permit; and
- (c) A copy of the manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or the caterer's license in the licensed portion of the storage facility.

209.9 The holder of the storage facility permit shall, upon request, provide its permit to an ABRA investigator or member of the Metropolitan Police Department for inspection.

209.10 The holder of a storage facility permit shall maintain on the licensed premises, the following:

- (a) Three (3) years of records identifying the brand and quantity of alcoholic beverages being stored at the storage facility; and
- (b) The movement of alcoholic beverages to and from the storage facility over the past three (3) years.

209.11 The Board shall have the right to inspect the warehouse of a storage facility permit holder as and when it may deem necessary for the proper regulation of the storage of alcoholic beverages.

209.12 A storage facility permit shall be valid for three (3) years.

A new Section 210, OFF-PREMISES STORAGE, is added to read as follows:

210 OFF-PREMISES STORAGE PERMIT

210.1 The holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or a caterer's license shall obtain an off-premises storage permit to store alcoholic beverages at a storage facility approved by the Board.

210.2 An off-premises storage permit shall be valid for three (3) years.

The current Section 211, ALCOHOL CERTIFICATION PROVIDER PERMIT, is renumbered § 211 and amended in its entirety to read as follows:

211 ALCOHOL CERTIFICATION PROVIDER PERMIT

211.1 A person or entity wishing to become an alcohol certification provider shall obtain an alcohol certification provider permit which shall allow the holder to provide an alcohol training and education certification program in the District of Columbia.

211.2 An alcohol certification provider permit shall be valid for three (3) years.

211.3 An alcohol certification provider shall include the following subjects in its alcohol and education training program:

- (a) The effect of alcohol on the body and behavior, especially as to driving ability;
- (b) Recognizing the problem drinker;
- (c) Intervention techniques, involving methods of dealing with the problem customer who has had or is approaching the point of having had too much to drink;

- (d) Methods of recognizing and dealing with underage customers;
- (e) Prevention techniques involving effective identification and carding procedures, and methods to reasonably regulate the service of alcoholic beverages to patrons;
- (f) Explanation of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001 and this title;
- (g) Advertising, promotion, and marketing of alcoholic beverages; and
- (h) Explanation that alcoholism is a chronic, progressive disease and that treatment is available through clinical providers and mutual support groups.

211.4 Independent contractors, private individuals, or educational institutions which seek approval to provide alcoholic beverage server training shall proceed as follows:

- (a) Submit a letter of intent to the ABRA Director which must include a copy of all training materials, curriculum, and examinations, along with the annual fee set forth in § 216.1 for the entire three (3)-year permit period.
- (b) ABRA's Enforcement Division shall prepare a written report evaluating the program's compliance with the training standards for the Director's review.
- (c) Should the ABRA Director find that the applicant meets the requirements of this section, the application will then be placed before the Board for consideration at its next regularly scheduled meeting.
- (d) The Board shall make the final determination as to the qualifications of the applicant and compliance of the applicant's program with § 211.3.
- (e) An alcohol certification provider permit shall expire after three (3) years from the date that the Board issues the permit. The alcohol certification provider may resubmit a program to the Board for approval as part of its application to renew its certification provider permit.

The current Section 206, SPECIAL LICENSING PROVISIONS, is renumbered § 212 and is amended to read as follows:

212 SPECIAL LICENSING PROVISIONS

212.1 No holder of an on-premises retailer's license, class C or D, shall sell or serve alcoholic beverages in closed containers, with the following exceptions:

- (a) Holders of class CH and DH Hotel licenses may sell and serve alcoholic beverages in closed containers in the private rooms of their registered guests; and
- (b) Holders of class CX and DX Club licenses may sell and serve alcoholic beverages in closed containers in any room or area available only to bona fide members of the club or their guests.

212.2 A restaurant or delicatessen located within a pavilion, shopping mall, or shopping center may be allowed to sell beer, wine or spirits to customers for on-premises consumption; provided that:

- (a) The restaurant or delicatessen holds the appropriate on-premises retailer's license;
- (b) Alcoholic beverages are consumed on the licensed premises or within the common areas of the pavilion, shopping mall, or shopping center approved by the Board, which shall be deemed part of the licensed establishment for purposes of D.C. Official Code § 25-113; and
- (c) The alcoholic beverage containers bear the licensed establishment's name.

212.3 The Board shall not grant an on-premises retailer's license, class CN or DN, to a hotel unless the hotel holds an on-premises retailer's license, class CH or DH.

212.4 Nothing in this section shall preclude the holder of an off-premises retailer's license, class A or B, from having tables and chairs available to their customers either inside or outside, provided that alcoholic beverages are not opened or consumed on the licensed premises.

212.5 Notwithstanding § 212.4, an off-premises retailer's license, class B, that qualifies as a full-service grocery store, and possesses an on-premises retailer's license class, CR or DR, may sell and serve alcoholic beverages for on-premises consumption.

The current Section 207, LICENSURE PERIODS, is amended by (a) renumbering it § 213, and (b) updating the licensure renewal periods, including adding pub crawl licenses, so that it reads follows:

213 LICENSURE PERIODS

213.1 Except as provided for in § 213.2, the following licenses or permits issued by the Board shall be valid for three (3) years:

- (a) Manufacturer's license;

- (b) Wholesaler’s license;
- (c) Off-premises Retailer’s license;
- (d) On-premises Retailer’s license;
- (e) Caterer’s license;
- (f) Solicitor’s license;
- (g) Farm winery retail licenses;
- (h) Pub crawl license
- (i) Alcohol certification permit;
- (j) Tasting permit;
- (k) Storage facility permit; and
- (l) Off-premises storage permit.

213.2 Licenses issued by the Board shall be valid for less than three (3) years in the following instances:

- (a) When suspended or revoked;
- (b) In the case of temporary, festival, and farmer’s market licenses;
- (c) When the license takes effect on a date in between the dates established by the Board for the regular licensure period of each license class, in which case the license shall be valid only until the end of the licensure period; and
- (d) In the case of stipulated licenses.

213.3 The three (3)-year renewal period for each license listed below shall occur sequentially every three (3) years starting with the following dates:

License Class	Licensure Period	Ending Year
Manufacturer A	Apr. 1 to Mar. 31	2021
Wholesaler A	Apr. 1 to Mar. 31	2021
Retailer A	Apr. 1 to Mar. 31	2021
Manufacturer B	Oct. 1 to Sept. 30	2020
Wholesaler B	Oct. 1 to Sept. 30	2020
Retailer B	Oct. 1 to Sept. 30	2020

Retailer CR	Apr. 1 to Mar. 31	2022
Retailer CT	Oct. 1 to Sept. 30	2022
Retailer CN	Oct. 1 to Sept. 30	2022
Retailer CH	Apr. 1 to Mar. 31	2022
Multipurpose facility CX	Apr. 1 to Mar. 31	2022
Club CX	Apr. 1 to Mar 31	2022
Common Carrier CX	Apr. 1 to Mar 31	2022
Retailer Arena CX	Apr. 1 to Mar 31	2022
Retailer DR	Apr. 1 to Mar. 31	2022
Retailer DT	Oct. 1 to Sept. 30	2022
Retailer DN	Oct. 1 to Sept. 30	2022
Retailer DH	Apr. 1 to Mar. 31	2022
Multipurpose facility DX	Apr. 1 to Mar. 31	2022
Club DX	Apr. 1 to Mar 31	2022
Common carrier DX	Apr. 1 to Mar 31	2022
Caterer	Apr. 1 to Mar 31	2022
Solicitor	July 1 to June 30	2023
Farm winery retail	Oct. 1 to Sept. 30	2021
Alcohol certification provider permit	July 1 to June 30	2023
Pub Crawl License	Oct. 1 to Sept. 30	2023

The current Section 208, LICENSE FEES, is renumbered § 214.

The current Section 209, PERMIT AND ENDORSEMENT FEES, is amended by (a) renumbering it § 215 and (b) adding new permits and endorsements to read as follows:

215 PERMIT AND ENDORSEMENT FEES

215.1 The fee for permits and endorsements shall be as follows:

Permit/Endorsement	Fee
Importation permit	\$ 5
Pool buying group agent importation permit	\$ 1,000/year
Tasting permit for off-premises retailers, wholesalers, manufacturers, and private collectors	\$ 130/year
Storage facility permit	\$ 300/year
Off-premises storage permit	\$ 25/year
Alcohol certification provider permit	\$ 100/year
Public auction permit	\$ 30
Personal auction permit	\$ 30

Nonprofit corporation wine permit	\$ 30
Retailer purchasing permit	\$ 35
On-site sales and consumption permit	\$ 1,000/year
Sidewalk café or summer garden endorsement	\$ 75/year
Entertainment endorsement (twenty percent (20%) of the base license fee)	20%
Amendment to a license which results in an inspection	\$ 50
Manufacturer carry-out permit	\$ 50
Sports wagering endorsement	\$ 100/year
Games of skill endorsement	\$ 200/year
1 Pub endorsement	\$ 5,000/year
2 Pub endorsements	\$ 7,500/year
3 Pub endorsements	\$ 9,000/year

The current Section 210, APPLICATION FEES, is renumbered § 216.

The current Section 212, MANAGER CERTIFICATION, is renamed and renumbered § 217, and amended to read as follows:

217 MANAGER TRAINING CERTIFICATION

217.1 An applicant for a Manager’s license shall submit a copy of his or her training certificate showing completion of an alcohol training and education program within the previous three (3) years from a Board-approved training provider with his or her Manager’s license application.

217.2 An applicant for a Manager’s license, who has applied for a Manager’s license but who has not completed an alcohol training and education program may be issued a temporary Manager’s license pursuant to § 707.10 by the Board for a period not to exceed thirty (30) days upon the submission of a sworn affidavit from the applicant that he or she will complete an alcohol training and education program and submit a copy of his or her certificate within the thirty (30)-day period.

The current Section 213, EXEMPTION FROM LICENSING REQUIREMENT, is renumbered § 218 and amended to read as follows:

218 EXEMPTION FROM LICENSING REQUIREMENT

218.1 A license shall not be required for any event where alcoholic beverages are provided gratuitously for on-premises consumption on the host’s own premises. Notwithstanding the foregoing, a license shall be required if the operator of the premises provides professional services for the on-premises consumption of alcoholic beverages which are provided gratuitously to guests; or if the operator of the premises rents out the facility or provides entertainment, food or non-alcoholic beverages for compensation.

218.2 An applicant for a new license shall not permit the consumption of alcoholic beverages on the premises unless the applicant has obtained a stipulated or temporary license. The applicant for a new license may also permit a licensed caterer to host an event on the premises pursuant to § 25-113 so long as the caterer acts as operator of the premises by retaining responsibility for the duration of the event, including control over the modes of ingress and egress into the establishment, bar and security staff, and the service of alcoholic beverages.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 703, TEMPORARY OPERATING PERMIT, is repealed.

Section 711, RETAIL PERMITS FOR SAMPLING OF ALCOHOLIC BEVERAGES, is repealed.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.