

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

**NOTICE OF SECOND EMERGENCY 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(c) (2012 Repl. & 2019 Supp.)) and D.C. Official Code § 25-502 (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, gives notice of its intent to amend Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR). The emergency rulemaking will modify the Metropolitan Police Department Reimbursement Detail Subsidy Program's (RDO Program) hours of eligibility from 11:30 p.m. to 5 a.m., on Sunday and Saturday, to 2 p.m. to 2 a.m., on Sunday and Saturday.

In response to the COVID-19 pandemic, Mayor Bowser declared a Public Health Emergency and a Public Emergency. *See* Mayor's Orders 2020-045 and 2020-046 (March 11, 2020). *See* 67 DCR 2956 and 2961. Since the initial declaration of a public health and a public emergency, Mayor Bowser has issued a series of Mayor's Orders extending the public health emergency and public emergency.

Likewise, the Board has also taken a series of steps to assist ABC-licensed establishments during the pandemic, to include reducing the RDO Program Reimbursement Percentage from sixty-five percent (65%) to zero percent (0%). *See* 67 DCR 14340 (December 4, 2020). Because ABC-licensed establishments were not operating or were only offering alcoholic beverages for off-premises consumption, and thus not retaining Reimbursement Detail Officers, the Board determined a reduction in the RDO reimbursement percentage was warranted.

However, restrictions have eased somewhat and now ABC-licensed establishments are permitted to operate under limited conditions. As ABC-licensed establishments began to resume operations, the Board desires to meet the upcoming demand for Reimbursement Detail Officers. Thus, the Board supports reimbursing a percentage of the cost of RDO utilized by licensees for the hours of 2 p.m. to 2 a.m. on Saturdays and Sundays and believes this to be in the best interest of District residents.

In an effort to promote the welfare, public safety, and health of the community, the Board finds emergency action is necessary. Thus, on February 24, 2021, the Board adopted the *MPD Reimbursement Detail Subsidy Program Hours of Eligibility Notice of Second Emergency Rulemaking*, by a vote of six (6) to zero (0). This rulemaking shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days from the Board's adoption; expiring on or before June 24, 2021, unless superseded. The emergency rulemaking shall take effect immediately.

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

**Section 718, Reimbursement Detail Subsidy Program, is amended by striking the phrase, “shall be 11:30 p.m. to 5:00 a.m.” in § 718.2 and replacing it with the phrase “shall be 2:00 p.m. to 2:00 a.m.” in its place so that it reads follows:**

718.2 ABRA will reimburse MPD for a percentage, as published in the *D.C. Register*, of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 2:00 p.m. to 2:00 a.m. ABRA will also reimburse MPD to cover the costs incurred for outdoor special events where the licensee has been approved for a one-day substantial change license or temporary license. The hours eligible for an outdoor special event operating under a one-day substantial change license, temporary license, or a pub crawl event operating under a pub crawl license shall be twenty-four (24) hours a day.