

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 25.**  
**ALCOHOLIC BEVERAGE REGULATION.**

**CHAPTER 1.**  
**GENERAL PROVISIONS AND CLASSIFICATION OF**  
**LICENSES.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 1. GENERAL PROVISIONS AND**  
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# **CHAPTER 1. GENERAL PROVISIONS AND CLASSIFICATION OF LICENSES.**

## **SUBCHAPTER I. GENERAL PROVISIONS.**

### **§ 25-101. DEFINITIONS.**

For the purposes of this title, the term:

- (1) "ABRA" means the Alcoholic Beverage Regulation Administration established by § 25-202.
- (2) "ABRA Fund" means the Alcoholic Beverage Regulation Administration Fund established by § 25-210.
- (3) "Adult" means a person who is 21 years of age or older.
- (4) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or by whatever processes produced.
- (5) "Alcoholic beverage" means a liquid or solid, patented or not, containing alcohol capable of being consumed by a human being. The term "alcoholic beverage" shall not include a liquid or solid containing less than one-half of 1% of alcohol by volume.
- (6) "Applicant" means, as the context requires, the individual applicant, each member of an applicant partnership or limited liability company, or each of the principal officers, directors, and shareholders of an applicant corporation, or, if other than an individual, the applicant entity.
- (7) "ANC" means an Advisory Neighborhood Commission as authorized under D.C. Official Code § 1-207.38.
- (8) "Back-up drink" means a drink, including a single drink consisting of more than one alcoholic beverage, that is served to a customer before the customer has consumed a previously served drink.
- (9) "Bartender" means a person who fixes, mixes, makes, or concocts an alcoholic beverage for consumption.
- (10) "Beer" means a fermented beverage of any name or description manufactured from malt, wholly or in part, or from any substitute for malt.
- (11) "Board" means the Alcoholic Beverage Control Board established by § 25- 201.
- (12) "Brew pub" means an establishment for the manufacture of beer to be sold for consumption only at the place of manufacture and for sale to licensed wholesalers for the purpose of resale to other licensees.
- (13) "Business days" means Monday, Tuesday, Wednesday, Thursday, and Friday, excluding holidays.
- (14) "Caterer" means a corporation, partnership, individual, or limited liability company that prepares, sells, delivers, and serves food and beverages to its customers, under an agreement in advance of delivery, for a catered event on the premises designated by the customer for the duration of the catered event.
- (15) "Club" means a corporation, duly organized and in good standing under Chapters 1 and 4 of Title 29, owning, leasing, or occupying a building, or a portion thereof, at which the sale of alcoholic beverages is incidental to, and not the prime source of revenue from, the operation of the building or the portion thereof. The term "club" shall not include a college fraternity or sorority.
- (15A) "Cooperative agreement" shall have the same meaning, and is synonymous with, voluntary agreement, as defined in paragraph (54) of this section.
- (16) "Credit card" means a consumer credit card extended on a nationally recognized account pursuant to a plan under which:
  - (A) The creditor may permit the customer to make purchases or obtain loans by the use of a credit card, check, or other device as the plan may provide;

(B) The customer has the privilege of paying the balance in full or in installments; and

(C) A finance charge may be computed by the creditor from time to time on an outstanding unpaid balance.

(17) "CSA" means Chapter 9 of Title 48.

(18) "DC Arena" means the multi-purpose arena for the performance of sports and entertainment events and related amenities described in recital "E" of the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia, and DC Arena L.P., dated December 29, 1995.

(19) "Director" means the Director of the Alcoholic Beverage Regulation Administration appointed under § 25-207.

(20) "District" means the District of Columbia.

(21) "Establishment" means a business entity operating at a specific location.

(21A) "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

(21B) "Farm winery" means a winery where at least 51% of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm.

(22) "Food" means any substance consumed by human beings except alcoholic beverages and any nonalcoholic liquid or solid substance served as part of the contents of an alcoholic beverage drink.

(23) "Go-cup" means a drinking utensil provided at no charge or a nominal charge to a customer for the purpose of consuming alcoholic beverages off the premises of an establishment.

(24) "Gross annual receipts" means the total amount of money received during the most recent one-year accounting period for the sale of food and alcoholic beverages, not including the amount received for taxes and gratuities in conjunction with sales or charges for entertainment or other services. Gross annual receipts are subject to audit and examination under § 25-802.

(24A) "Gross annual food sales" means the total amount of food sold during the most recent one-year accounting period. Gross annual food sales are subject to audit and examination under § 25-802.

(25) "Hotel" means an establishment where food and lodging are regularly furnished to transients and which has at least 30 guest rooms and a dining room in the same or connecting buildings.

(26) "Interest" includes the ownership or other share of the operation, management, or profits of a licensed establishment. The term "interest" shall not include an agreement for the lease of real property.

(27) "Keg" means a container which is capable of holding 4 gallons or more of beer, wine, or spirits and which is designed to dispense beer, wine, or spirits directly from the container.

(28) "Land Disposition Lease" means the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia, and DC Arena L.P., dated December 29, 1995.

(29) "Legal drinking age" means 21 years of age.

(30) "Legitimate theater" means premises in which the principal business shall be the operation of live theatrical, operatic, or dance performances, or such other lawful adult entertainment or recreational facilities as the Board, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this title, shall, by regulation, classify as legitimate theater. The term "legitimate theater" shall not mean a motion picture theater.

(31) "Locality" means the neighborhood within 600 feet of an establishment.

(32) "Manufacture" includes any purification or repeat distillation processes or rectification.

(33) "Nightclub" means a space in a building, and the adjoining space outside of the building, regularly used and kept open as a place that serves food and alcoholic beverages and provides music and facilities for dancing.

(34) "Nude performance" means dancing or other entertainment by a person whose genitals, pubic region, or buttocks are less than completely and opaquely covered and, in the case of a female, whose breasts are less than completely and opaquely covered below a point immediately above the top of the areola.

(35) "Open container" means a bottle, can, or other container that is open or from which the top, cap, cork, seal, or tab seal has at some time been removed.

(36) "Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

- (37) "Person" includes an individual, partnership, corporation, limited liability company, and an unincorporated association.
- (37A) "Pool buying agent" means the licensed vendor who is registered by the pool buying group with the Alcoholic Beverage Regulation Administration.
- (37B) "Pool buying group" means a group of 2 or more licensees under an on-premises restaurant license (R), as defined in § 25-113(b), who have been approved by the Alcoholic Beverage Regulation Administration to consolidate orders for alcoholic beverages ordered through a licensed pool buying agent from any lawful source in a single order.
- (38) "Portion" means the neighborhood within 1800 feet of an establishment.
- (39) "Protest" means a written statement in opposition to the issuance of a license.
- (40) "Protest hearing" means the adjudicatory proceeding held by the Board, after receipt of a protest, to hear persons objecting to, or in support of, the issuance of a license.
- (41) "Protest period" means a 45-day period during which an objection to the issuance or renewal, substantial change in operation under § 25-404, or transfer to new location, may be filed.
- (42) "Residential districts" means those districts identified as residential by the zoning regulations and the official atlases of the Zoning Commission for the District of Columbia.
- (43) Restaurant means a space in a building which shall:
- (A)(i) Be regularly ready, willing, and able to prepare and serve food, have a kitchen which shall be regularly open, have a menu in use, have sufficient food on hand to serve the patrons from the menu, and have proper staff present to prepare and serve the food;
  - (ii) Be held out to and known by the public as primarily a food-service establishment;
  - (iii) Have all advertising and signs emphasize food rather than alcoholic beverages or entertainment;
  - (iv) Be open regular hours that are clearly marked with no unusual barriers to entry (such as cover charges or membership requirements);
  - (v) Have its kitchen facilities open until at least 2 hours before closing;
  - (vi) Obtain an entertainment endorsement prior to offering entertainment, charging a cover, or offering facilities for dancing;
  - (vii) If possessing an entertainment endorsement, be permitted to charge a cover and advertise entertainment, but shall not primarily advertise drink specials;
  - (viii) Be permitted to have recorded and background music without obtaining an entertainment endorsement;
  - (ix) Not have nude performances; and
  - (x) Have annual gross food sales of \$1500 or \$2000 per occupant (as determined by the establishment's Board-approved certificate of occupancy), depending on license class; or
- (B)(i) Have adequate kitchen and dining facilities;
- (ii) Keep its kitchen facilities open until 2 hours before closing;
  - (iii) Obtain an entertainment endorsement prior to offering entertainment, charging a cover, or having facilities for dancing;
  - (iv) Be permitted to have recorded and background music without obtaining an entertainment endorsement;
  - (v) Not have nude performances; and
  - (vi) Have the sale of food account for at least 45% of the establishment's gross annual receipts.
- (C) Any licensee operating under a C/R, D/R, C/H, or D/H license who is not in compliance with the food sales requirements of this paragraph as of [September 30, 2004], shall be permitted to maintain its current license and operations for a period of 2 years from [September 30, 2004]; provided, that there is no substantial change in operations during that period without a substantial change application.
- (44) "RLA" means the District of Columbia Redevelopment Land Agency.
- (45) "Sale" or "sell" includes offering for sale, keeping for sale, manufacturing for sale, soliciting orders for sale, trafficking in, importing, exporting, bartering, delivering for value or in any way other than by purely gratuitously transferring. Every delivery of any alcoholic beverage made otherwise than purely gratuitously shall constitute a sale.
- (46) "Section" means the neighborhood within 1,200 feet of an establishment.

(47) "Settlement conference" means a meeting between the applicant and the protestants held for the purpose of discussing and resolving, where possible, the objections raised by the protestants.

(48) "Sign" shall have the same meaning as defined in Chapter 31 of Title 12 of the District of Columbia Municipal Regulations.

(48A) "Southeast Federal Center" means the area as defined in section 2 of the Southeast Federal Center Public-Private Development Act of 2000, approved November 1, 2000 (Pub. L. No. 106-407; 114 Stat. 1758), and Chapter 18 of Title 11 of the District of Columbia Municipal Regulations.

(49) "Spirits" means:

(A) A beverage which contains alcohol mixed with water and other substances in solution, including brandy, rum, whisky, cordials, and gin; and

(B) An alcoholic beverage containing more than 14% alcohol.

(50) "Statement" means a representation by words, design, picture, device, illustration, or other means.

(51) "Table" shall not include a counter, bar, or similar contrivance.

(52) "Tavern" means a space in a building which:

(A) Is regularly used and kept open as a place where food and alcoholic beverages are served;

(B) May offer entertainment, except nude performances, and offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement; and

(C) Does not provide facilities for dancing for its employees or entertainers.

(53) "Valid identification document" means an official identification issued by an agency of government (local, state, federal, or foreign) containing, at a minimum, the name, date of birth, signature, and photograph of the bearer.

(54) "Voluntary agreement" means a settlement agreement which becomes part of a license.

(55) Repealed.

(56) "Wine" means an alcoholic beverage containing not more than 14% alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(Jan. 24, 1934, 48 Stat. 319, ch. 4, § 3; Aug. 27, 1935, 49 Stat. 897, ch. 756, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 1; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Sept. 29, 1982, D.C. Law 4-157, §§ 2, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law 5-16, § 2, 30 DCR 3193; May 23, 1986, D.C. Law 6-119, § 2, 33 DCR 2447; Mar. 7, 1987, D.C. Law 6-217, § 2, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(a), 38 DCR 4974; Oct. 3, 1992, D.C. Law 9-174, § 2(a), 39 DCR 5859; Sept. 11, 1993, D.C. Law 10-12, § 2(a), 40 DCR 4020; May 24, 1994, D.C. Law 10-122, § 2(a), 41 DCR 1658; Apr. 12, 1997, D.C. Law 11-258, § 2(a), 44 DCR 1421; Mar. 26, 1999, D.C. Law 12-202, § 2(a), 45 DCR 8412; Mar. 26, 1999, D.C. Law 12-206, § 2(a), 45 DCR 8430; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 3, 2001, D.C. Law 14-28, § 3002(a), 48 DCR 6981; Oct. 1, 2002, D.C. Law 14-190, § 1702(a), 49 DCR 6968; Sept. 30, 2004, D.C. Law 15-187, §§ 301(b), 401(b), 51 DCR 6525; Mar. 2, 2007, D.C. Law 16-191, § 47(b), 53 DCR 6794; July 18, 2008, D.C. Law 17-201, § 2(b), 55 DCR 6289; Mar. 3, 2010, D.C. Law 18-111, § 2082(n)(1), 57 DCR 181; July 2, 2011, D.C. Law 18-378, § 3(f), 58 DCR 1720; Oct. 20, 2011, D.C. Law 19-23, § 2(a), 58 DCR 6509.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-103.

#### *Prior Codifications*

1981 Ed., § 25-101.

1973 Ed., § 25-103.

#### *Effect of Amendments*

D.C. Law 14-28 rewrote par. (2) which had read as follows:

"(2) 'ABRA Account' means the Alcoholic Beverage Regulation Administration Account established by § 25-210".

D.C. Law 14-190 added par. (15A).

D.C. Law 15-187 added par. (21A); in par. (24), added "Gross annual receipts are subject to audit and examination under § 25-802." at the end of the paragraph; added pars. (24A), (37A) and (37B); rewrote par. (43); and in subpar. (52)(B), substituted "offer facilities for dancing for patrons only with an entertainment

endorsement and may have recorded and background music without an entertainment endorsement" for "may allow dancing for its patrons only". Prior to amendment, par. (43) had read as follows:

"(43) "Restaurant" means a space in a building which:

"(A) Is regularly used and kept open as a place where food is served;

"(B) Keeps its kitchen facilities open until 2 hours before closing and for which sales of food accounts for at least 45% of the establishment's gross annual receipts; and

"(C) May offer entertainment, except nude performances, and facilities for dancing."

D.C. Law 16-191, in par. (43)(C), substituted "this paragraph" for "§ 25- 101(43)".

D.C. Law 17-201 added par. (21B).

D.C. Law 18-111 repealed par. (55), which had read as follows:

"(55) 'Washington Convention Center' means the Washington Convention Center and the Convention Center Board of Directors, as established by § 9-602, and the Washington Convention Center Authority and the Washington Convention Center Authority Board of Directors, as established by §§ 9-803 and 9-806."

D.C. Law 18-378, in par. (15), substituted "Chapters 1 and 4 of Title 29" for "Chapter 3 of Title 29" .

D.C. Law 19-23 added par. (48A).

#### *Temporary Amendments of Section*

Temporary amendment of section: Section 2(a) of D.C. Law 12-48 added (29).

Section 5(b) of D.C. Law 12-48 provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 17-46, in par. (43)(C), substituted "2 years and 6 months" for "2 years".

Section 4(b) of D.C. Law 17-46 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 18-346 added par. (48A) to read as follows:

"(48A) 'Southeast Federal Center' means the area as defined in section 2 of the Southeast Federal Center Public-Private Development Act of 2000, approved November 1, 2000 (Pub. L. No. 106-407; 114 Stat. 1758), and Chapter 18 of Title 11 of the District of Columbia Municipal Regulations."

Section 4(b) of D.C. Law 18-346 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(a) of the Underage Drinking Emergency Amendment Act of 1994 (D.C. Act 10-236, April 28, 1994, 41 DCR 2601).

For temporary amendment of section, see § 2(a) of the Alcoholic Beverage Control DC Arena Emergency Amendment Act of 1997 (D.C. Act 12-121, August 1, 1997, 44 DCR 4645), § 2(a) of the Alcoholic Beverage Control DC Arena Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-290, February 27, 1998, 45 DCR 1749), § 2(a) of the Alcoholic Beverage Control DC Arena Emergency Amendment Act of 1998 (D.C. Act 12-478, October 28, 1998, 45 DCR 8010), and § 2(a) of the Alcoholic Beverage Control DC Arena Second Emergency Amendment Act of 1998 (D.C. Act 12-551, December 24, 1998, 45 DCR 517).

For temporary amendment of § 5 of the Alcoholic Beverage Control DC Arena Second Emergency Amendment Act of 1998 (D.C. Act 12-551, December 24, 1998, 45 DCR 517), see § 3 of the Omnibus Regulatory Reform and Alcoholic Beverage Control DC Arena Clarifying Emergency Amendment Act of 1999 (D.C. Act 13-1, January 29, 1999, 46 DCR 2284).

For temporary (90 day) amendment of section, see §§ 2702(a) and 2703 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) amendment of section, see § 1702(a) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 2 of Restaurant and Hotel Audit Sufficiency Emergency Act Of 2007 (D.C. Act 17-77, July 26, 2007, 54 DCR 7630).

For temporary (90 day) amendment of section, see § 2 of Restaurant and Hotel Audit Sufficiency Congressional Review Emergency Act of 2007 (D.C. Act 17-202, November 26, 2007, 54 DCR ).

For temporary (90 day) amendment of section, see § 2082(n)(1) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2082(n)(1) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2(a) of Southeast Federal Center/Yards Non-Discriminatory Grocery Store Emergency Act of 2010 (D.C. Act 18-674, December 28, 2010, 58 DCR 130).

Law 2-73, the "Third Amendment to the Revenue Act for Fiscal Year 1978 and Other Purposes," was introduced in Council and assigned Bill No. 2-206, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first, amended first, and second readings on November 22, 1977, December 6, 1977 and January 10, 1978, respectively. Signed by the Mayor on February 9, 1978, it was assigned Act No. 2-149 and transmitted to both Houses of Congress for its review.

Law 4-157, the "Alcoholic Beverage Control Amendments Act of 1982," was introduced in Council and assigned Bill No. 4-218, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on June 8, 1982, and July 6, 1982, respectively. Signed by the Mayor on July 29, 1982, it was assigned Act No. 4-231 and transmitted to both Houses of Congress for its review.

Law 4-204, the "Alcoholic Beverage Control Amendments Temporary Act of 1982," was introduced in Council and assigned Bill No. 4-534, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-288 and transmitted to both Houses of Congress for its review.

Law 5-16, the "District of Columbia Election Code of 1955 and Related Election Practices Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-52, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-33 and transmitted to both Houses of Congress for its review.

Law 6-119, the "Alcoholic Beverage Control Act Temporary Amendment Act of 1986," was introduced in Council and assigned Bill No. 6-392, which was retained by Council. The Bill was adopted on first and second readings on March 11, 1986 and March 25, 1986, respectively. Signed by the Mayor on April 8, 1986, it was assigned Act No. 6-154 and transmitted to both Houses of Congress for its review.

Law 6-217, the "District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986," was introduced in Council and assigned Bill No. 6-504, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 25, 1986 and December 16, 1986, respectively. Signed by the Mayor on January 15, 1987, it was assigned Act No. 6-277 and transmitted to both Houses of Congress for its review.

Law 9-40, the "District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-68, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 4, 1991, and July 2, 1991, respectively. Signed by the Mayor on July 24, 1991, it was assigned Act No. 9-77 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-174, see Historical and Statutory Notes following § 25-434.

For legislative history of D.C. Law 10-12, see Historical and Statutory Notes following § 25-753.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

Law 11-258, the "Alcohol Beverage Control Act Private Club Exception Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-505, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-525 and transmitted to both Houses of Congress for its review. D.C. Law 11-258 became effective on April 12, 1997.

Law 12-48, the "Alcoholic Beverage Control DC Arena Temporary Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-293. The Bill was adopted on first and second readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-167 and transmitted to both Houses of Congress for its review. D.C. Law 12-48 became effective on February 26, 1998.

Law 12-202, the "Alcoholic Beverage Control DC Arena Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-294, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 13, 1998, it was assigned Act No. 12-488 and transmitted to both Houses of Congress for its review. D.C. Law 12-202 became effective on March 26, 1999.

Law 12-206, the "Opened Alcoholic Beverage Containers Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-612, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 14, 1998, it was assigned Act No. 12-493 and transmitted to both Houses of Congress for its review. D.C. Law 12-206 became effective on March 26, 1999.

Law 13-298, the "Title 25, D.C. Code Enactment and Related Amendments Act of 2001," was introduced in Council and assigned Bill No. 13-449, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and final readings on December 5, 2000, and January 23, 2001, respectively. Signed by the Mayor on February 9, 2001, it was assigned Act No. 13-603 and transmitted to



both Houses of Congress for its review. D.C. Law 13- 298 became effective on May 3, 2001.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

Law 15-187, the "Omnibus Alcoholic Beverage Amendment Act 2004", was introduced in Council and assigned Bill No. 15-516, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on April 20, 2004, and May 18, 2004, respectively. Signed by the Mayor on June 23, 2004, it was assigned Act No. 15-442 and transmitted to both Houses of Congress for its review. D.C. Law 15-187 became effective on September 30, 2004.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

Law 17-201, the "Omnibus Alcoholic Beverage Amendment Act of 2008", was introduced in Council and assigned Bill No.17-528 which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-398 and transmitted to both Houses of Congress for its review. D.C. Law 17-201 became effective on July 18, 2008.

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

Law 18-378, the "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009", was introduced in Council and assigned Bill No. 18-500, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 27, 2011, it was assigned Act No. 18-724 and transmitted to both Houses of Congress for its review. D.C. Law 18-378 became effective on July 2, 2011.

Law 19-23, the "Southeast Federal Center/Yards Non-Discriminatory Grocery Store Act of 2011", was introduced in Council and assigned Bill No. 19-22, which was referred to the Committee of the Whole and the Committee on Health Services. The Bill was adopted on first and second readings on June 21, 2011, and July 12, 2011, respectively. Signed by the Mayor on July 28, 2011, it was assigned Act No. 19-100 and transmitted to both Houses of Congress for its review. D.C. Law 19-23 became effective on October 20, 2011.

#### *References in Text*

The effective date of the Omnibus Alcoholic Beverage Amendment Act of 2004, passed on 2nd reading on May 18, 2004 (Enrolled version of Bill 15-516), referred to in subpar. (C) of par. (43), is September 30, 2004.

#### *Miscellaneous Notes*

D.C. Law 14-28, § 3003 provides that: "This title [Title XXX of Law 14-28] shall apply as of May 3, 2001."

Short title of title XVII of Law 14-190: Section 1701 of D.C. Law 14-190 provided that title XVII of the act may be cited as the Alcoholic Beverage Regulation Act of 2002.

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

## **§ 25-102. SALE OF ALCOHOLIC BEVERAGES WITHOUT A LICENSE PROHIBITED.**

(a) No person shall sell any alcoholic beverage in the District without having first obtained an appropriate license as required by this title.

(b) No wholesaler or manufacturer located within the District shall offer any alcoholic beverage for sale to, or solicit orders for the sale of any alcoholic beverage from, any person not licensed under this title, irrespective of whether the sale is to be made inside or outside the District.

(c) No person located outside the District shall ship, import, or cause to be shipped or imported into the District, any alcoholic beverage without having first obtained an importation permit under this title for such shipment or importation.

(d) No person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation or where facilities are especially provided and service is rendered for the consumption of alcoholic beverages who does not possess a license under this title shall permit the consumption of alcoholic beverages on the premises.

(e)(1) No person shall sell or transfer alcoholic beverages between members of a pool buying group, except for the combination of individual orders and the placement of a pool order with a distributor.

(2) To effectuate convenience or economies of delivery of pool orders, a pool member other than the buying agent may transfer to another pool member any portion of the alcoholic beverages ordered by the transferee retailer as part of the single transaction pool purchase; provided, that:

(A) The acquisition of alcoholic beverage product is recorded on an invoice maintained by both participating retailers for 3 years and the invoice includes:

(i) That the transferee retailer has properly ordered the alcoholic beverages as part of the pool order;

(ii) The date of acquisition;

(iii) The business names and addresses, the license names, and numbers of both licenses involved; and

(iv) The resale certificate number of the licensee acquiring the products for resale; and

(B) The transfer is being made without cost or charge by the transferor retailer of any nature whatsoever.

(3) A transfer pursuant to this subsection shall be made within 7 days of the pool delivery without any cost or charge whatsoever to the transferee retailer.

(Jan. 24, 1934, 48 Stat. 323, ch. 4, § 9; June 29, 1953, 67 Stat. 102, ch. 159, § 404(b); Sept. 29, 1982, D.C. Law 4-157, § 5, 29 DCR 3617; Feb. 24, 1987, D.C. Law 6-192, § 26(b), 33 DCR 7836; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 401(c), 51 DCR 6525.)

### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-109(a), (b).

#### *Prior Codifications*

1981 Ed., § 25-102.

1973 Ed., § 25-109.

#### *Effect of Amendments*

D.C. Law 15-187 added subsec. (e).

#### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 6-192, see Historical and Statutory Notes following § 25-211.

For Law 15-187, see notes following § 25-101.

#### *Miscellaneous Notes*

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

### **§ 25-103. EXCEPTIONS TO LICENSE REQUIREMENT.**

(a) A physician, dentist, veterinarian, or person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may administer alcoholic beverages to a patient in their care receiving treatment.

(b) This title shall not apply to alcohol sold for use in the manufacture and sale of any of the following if they are unfit for beverage purposes:

(1) Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder;

(2) Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;

(3) Flavoring extracts, syrups, and food products; or

(4) Scientific, chemical, mechanical, and industrial products.

(Jan. 24, 1934, 48 Stat. 323, ch. 4, §§ 8, 9; June 29, 1953, 67 Stat. 102, ch. 159, § 404(b); Sept. 29, 1982, D.C. Law 4-157, § 5, 29 DCR 3617; Feb. 24, 1987, D.C. Law 6-192, § 26(b), 33 DCR 7836; Apr. 9, 1997, D.C. Law 11-255, § 21(a), 44 DCR 1271; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-108 and 25-109(c)-(f). For notes from former § 25-109, see § 25-102.

#### *Prior Codifications*

1981 Ed., § 25-103.

1973 Ed., §§ 25-108, 25-109.

#### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 6-192, see Historical and Statutory Notes following § 25-211.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

### **§ 25-104. BOARD AUTHORITY TO GRANT LICENSES.**

(a) The Board may issue licenses to persons who meet the requirements set forth in this title.

(b) All licenses issued under this title, except for a temporary license issued under § 25-115, shall be valid for a term of 3 years and may be renewed upon completion of the procedures set forth in this title and payment of the required fees.

(c) A license to sell alcoholic beverages in the District can be granted only by the Board upon completion of the application and review process as contained in this title.

(d) Except as set forth in subchapter II of this chapter, each license or permit shall particularly describe the place where the rights of the license are to be exercised.

(e) The Board, in issuing licenses, may require that certain conditions be met if it determines that the inclusion of the conditions will be in the best interest of the locality, section, or portion of the District where the licensed establishment is to be located. The Board, in setting the conditions, shall state, in writing, the rationale for the determination.

(f) Unincorporated associations, other than limited liability companies, shall not be issued a license other than a temporary license.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, §§ 10, 13; Aug. 24, 1935, 49 Stat. 900, ch. 756, § 8; June 29, 1953, 67 Stat. 103, ch. 159, § 404(c); Dec. 8, 1970, 84 Stat. 1394, Pub. L. 91-535, § 5; Oct. 26, 1977, D.C. Law 2-27, § 2, 24 DCR 3720; Mar. 5, 1981, D.C. Law 3-157, § 2(c), 27 DCR 5117; July 26, 1986, D.C. Law 6-130, § 2, 33 DCR 3405; Mar. 7, 1987, D.C. Law 6-217, § 8, 34 DCR 907; May 24, 1994, D.C. Law 10-122, § 2(d), 41 DCR 1658; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 1, 2002, D.C. Law 14-190, § 1702(b), 49 DCR 6968; Sept. 30, 2004, D.C. Law 15-187, § 101(a), 51 DCR 6525.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-110 and 25-114(a), (e).

#### *Prior Codifications*

1981 Ed., § 25-104.

1973 Ed., §§ 25-110, 25-114.

#### *Effect of Amendments*

D.C. Law 14-190 rewrote subsec. (f) which had read as follows:

"(f) Unincorporated associations shall be not be issued a license.

D.C. Law 15-187, in subsec. (b), substituted "a term of 3 years" for "a term of 2 years".

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 1702(b) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

#### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

Law 2-27, the "Variable Licensing Periods Act of 1977," was introduced in Council and assigned Bill No. 2-126, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on June 28, 1977 and July 12, 1977, respectively. Signed by the Mayor on August 1, 1977, it was assigned Act No. 2-61 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 3-157, see Historical and Statutory Notes following § 25-211.

Law 6-130, the "Wholesale Liquor Industry Storage Act of 1986," was introduced in Council and assigned Bill No. 6-329, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first, amended first and second readings on April 15, 1986, April 29, 1986 and May 13, 1986, respectively. Signed by the Mayor on May 29, 1986, it was assigned Act No. 6-168 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-217, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

For Law 14-190, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

## **SUBCHAPTER II. CLASSIFICATION OF LICENSES.**

### **§ 25-110. MANUFACTURER'S LICENSES.**

(a) The following licenses shall be issued to manufacturers of alcoholic beverages:

(1)(A) A manufacturer's license, class A, shall authorize the licensee to:

(i) Operate a rectifying plant, at the place therein described, for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; and

(ii) Sell the products manufactured under the license from the licensed establishment to another licensee under this title for resale or to a dealer licensed under the law of any state or territory of the United States for resale or to a consumer. The licensee may sell spirits to the consumer only in barrels and sealed bottles, which shall not be opened after sale or the contents consumed on the premises where sold.

(B) A manufacturer operating a facility where more than 50% of alcohol produced is sold for nonbeverage purposes qualifies for a reduced license rate.

(2)(A) A manufacturer's license, class B, shall authorize the licensee to operate a brewery for the manufacture of beer at the establishment described in the license.

(B) The license shall authorize the licensee to sell the beer manufactured under the license to (i) another licensee under this title for resale; (ii) to a dealer licensed under the laws of any state or territory of the United States for resale; and (iii) to a consumer. The licensee may sell beer to the consumer only in barrels, kegs, and sealed bottles, which shall not be opened after sale, or the contents consumed, on the premises where sold.

(b) A separate license shall be required for each establishment under subsection (a)(1)(A)(i) of this section.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 20, 2012, D.C. Law 19-168, § 2112(a), 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(1), (2).

#### *Prior Codifications*

1981 Ed., § 25-110.

1973 Ed., § 25-111.

#### *Effect of Amendments*

D.C. Law 19-168, in subsec. (a)(1)(A)(ii), substituted "of the United States for resale or to a consumer. The licensee may sell spirits to the consumer only in barrels and sealed bottles, which shall not be opened after sale or the contents consumed on the premises where sold." for "of the United States for resale."

#### *Temporary Amendments of Section*

Section 2(b) of D.C. Law 12-48, in (a), substituted "23" for "22" in the introductory language; and added (7)(G-i).

Section 5(b) of D.C. Law 12-48 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(b)(2) of the Alcoholic Beverage Control DC Arena Emergency Amendment Act of 1997 (D.C. Act 12-121, August 1, 1997, 44 DCR 4645), § 2(b) of the Alcoholic Beverage Control DC Arena Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-174, October 30, 1997, DCR 6914), § 2(b) of the Alcoholic Beverage Control DC Arena Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-290, February 27, 1998, 45 DCR 1749), § 2(b) of the Alcoholic Beverage Control DC Arena Emergency Amendment Act of 1998 (D.C. Act 12-478, October 28, 1998, 45 DCR 8010), and § 2(b) of the Alcoholic Beverage Control DC Arena Second Emergency Amendment Act of 1998 (D.C. Act 12-551, December 24, 1998, 45 DCR 517).

For temporary amendment of § 5 of the Alcoholic Beverage Control DC Arena Second Emergency Amendment Act of 1998 (D.C. Act 12-551, December 24, 1998, 45 DCR 517), see § 3 of the Omnibus Regulatory Reform and Alcoholic Beverage Control DC Arena Clarifying Emergency Amendment Act of 1999 (D.C. Act 13-1, January 29, 1999, 46 DCR 2284).

#### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

Law 1-102, the "Standing Up Service Act," was introduced in Council and assigned Bill No. 1-329, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on September 15, 1976 and October 12, 1976, respectively. Signed by the Mayor on November 8, 1976, it was assigned Act No. 1-171 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 2-73, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 3-157, see Historical and Statutory Notes following § 25-211.

For legislative history of D.C. Law 4-157, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 4-204, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-16, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 5-51, see Historical and Statutory Notes following § 25-206.

For legislative history of D.C. Law 6-217, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 9-40, see Historical and Statutory Notes following § 25-101.

For legislative history of D.C. Law 10-122, see Historical and Statutory Notes following § 25-785.

For legislative history of D.C. Law 12-48 and D.C. Law 12-202, see Historical and Statutory Notes following § 25-101.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012 respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

#### *Miscellaneous Notes*

Short title: Section 2111 of D.C. Law 19-168 provided that subtitle L of title II of the act may be cited as "Distillery Manufacturer's Tasting Permit and Consumer Sales Act of 2012".

## **§ 25-111. WHOLESALER'S LICENSES.**

(a) A wholesaler's license shall authorize the licensee to sell beverages from the establishment described to (1) another licensee under this title for resale; (2) a dealer licensed under the law of any state or territory of the United States for resale; and (3) in the case of beer or wine, to a consumer. The licensee shall sell beer to the consumer only in barrels, kegs, sealed bottles, and other closed containers, which shall not be opened after sale, or the contents consumed, on the premises where sold.

(b) No licensee, except a wholesale druggist or a wholesale grocer, shall be engaged in a business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

(c) There shall be 2 classes of wholesalers licenses:

(1) A wholesaler's license, class A, shall authorize the licensee to sell spirits, wine, and beer.

(2) A wholesaler's license, class B, shall authorize the licensee to sell beer and wine.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(3), (4). For notes from former § 25-111, see § 25-110.

#### *Prior Codifications*

1981 Ed., § 25-111.

1973 Ed., § 25-111.

#### *Legislative History of Laws*

## § 25-112. OFF-PREMISES RETAILER'S LICENSES.

(a) An off-premises retailer's license shall authorize the licensee to sell alcoholic beverages from the place described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee.

(b) The barrel, keg, sealed bottle, or other closed container shall not be opened, or the contents consumed, at the licensed establishment.

(c) The license shall not authorize the licensee to sell to other licensees for resale; provided, that the licensee under an off-premises retailer's license, class A, may sell to:

(1) Caterers licensed under § 25-113(i); and

(2) [Expired]

(3) If the licensee that is a member of a pool buying group, to other members of the same pool buying group any alcoholic beverages if:

(A) A pool member other than the buying agent transfers to another pool member any portion of the alcoholic beverages ordered by the transferee retailer as part of the single transaction pool purchase;

(B) A transfer pursuant to this section is made within 7 days of the pool delivery without any cost or charge whatsoever being made against the transferee retailer;

(C) The acquisition of alcoholic beverage products is recorded in an invoice maintained by both participating retailers for 3 years and includes:

(i) Business name, address, and license number of each licensee;

(ii) Names, sizes, and quantities of the products transferred;

(iii) Date that the delivery of products was received;

(iv) Date that the physical transfer of products was made;

(v) Unique identifier that links the record with a specific pool order; and

(vi) The resale certificate number of the licensee acquiring the products for resale.

(d) There shall be 2 classes of off-premises retailer's licenses:

(1) A retailer's license, class A, shall authorize the licensee to sell spirits, beer, and wine.

(2) A retailer's license, class B, shall authorize the licensee to sell beer and wine.

(e) The licensee under an off-premises retailer's license, class B, who qualifies for the license as a result of the application of § 25-303(c), § 25-331(d), § 25-332(c), or § 25-333(c), shall:

(1) File with the Board, within 60 days after the end of each year, a statement of expenditures and receipts by the licensed establishment containing the following:

(A) The total amount of receipts for the sale of alcoholic beverages, indicating the amount received for the sale of alcoholic beverages, the amount received for the sale of food, and the percentage of the total amount of receipts represented by each amount;

(B) A statement indicating the method used to compute the amounts and percentages; and

(C) An affidavit, executed by the individual licensee, partner of an applicant partnership, or the appropriate officer of an applicant corporation or limited liability company, attesting to the truth of the annual statement.

(2) The annual accounting period, for the purposes of the annual report, shall correspond to each of the 3 years for which a license is issued.

(3) The making of a false statement on an annual statement shall constitute grounds on which the Board may deny the renewal of a license, or subsequently revoke the license, if the renewal of the license is based in whole or in part on the contents of the false statement.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41

DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, §§ 101(b), 401(d), 51 DCR 6525.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(5), (6). For notes from former § 25-111, see § 25-110.

*Prior Codifications*

1981 Ed., § 25-112.

1973 Ed., § 25-111.

*Effect of Amendments*

D.C. Law 15-187, in subsec. (c), added par. (3); and in par. (2) of subsec. (e), substituted "each of the 3 years" for "each of the 2 years".

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

*Editor's Notes*

Paragraph (2) of subsection (c) of this section expired 18 months after May 3, 2001.

*Miscellaneous Notes*

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

## **§ 25-113. ON-PREMISES RETAILER'S LICENSES.**

(a)(1) On-premises retailer's licenses shall be classified by the type of establishment licensed, as follows: restaurant, tavern, nightclub, hotel, club, multipurpose facility, and common carrier.

(2) For each type of establishment listed in paragraph (1) of this section, there shall be 2 classes of on-premises retailer's license:

(A) Except as otherwise provided, an on-premises retailer's license, class C, shall authorize the licensee to sell spirits, wine, and beer at the licensed establishment for consumption only at the licensed establishment.

(B) Except as otherwise provided, an on-premises retailer's license, class D, shall authorize the licensee to sell wine and beer at the licensed establishment for consumption only at the licensed establishment.

(3) The licensee of any kind of on-premises retailer's licenses, class C or D, shall not sell or serve alcoholic beverages in any closed container; provided that:

(A) A hotel may sell and serve alcoholic beverages in closed containers in the private rooms of registered guests; and

(B) A club may sell and serve alcoholic beverages in closed containers in any room or area available only to members of the club or their guests.

(4)(A) Except as provided in subparagraph (B) of this paragraph, nothing in the license classifications in this section shall be construed as prohibiting or restricting a restaurant from offering entertainment or facilities for dancing, preventing or restricting a tavern from offering entertainment, or preventing or restricting a nightclub from offering food. A licensee who offers food, entertainment, or facilities for dancing may advertise the food, entertainment, or facilities for dancing that are offered, regardless of the kind of license held.



(B) No licensed establishment other than a nightclub or a legitimate theater may provide entertainment by nude performers.

(b)(1) A restaurant license (R) shall be issued only for a restaurant. It shall be a secondary tier violation for a restaurant to not keep its kitchen facilities open until 2 hours before closing.

(2)(A) The licensee shall file with the Board quarterly statements, on the dates and in the manner prescribed by the Board, reporting for the preceding quarter: the gross receipts for the establishment; its gross receipts for sales of alcoholic beverages; its gross receipts for the sale of food; its total expenses for the purchase of food and alcoholic beverages; its expenses for the purchase of food; and its expenses for the purchase of alcoholic beverages.

(B) The Board shall make a licensee's quarterly statements available for the purpose of allowing a protestant of a license to determine the gross annual receipts of a licensee.

(3)(A) There shall be 2 classes of restaurant licenses:

- (i) Class C/R (spirits, wine, and beer); and
- (ii) Class D/R (wine and beer).

(B)(i) A class C/R license may be issued to:

- (I) An establishment which qualifies as a restaurant under § 25-101(43)(A) and has gross annual food sales of at least \$2000 per occupant (as determined by the establishment's Board-approved certificate of occupancy); or
- (II) An establishment which qualifies as a restaurant under § 25-101(43)(B).

(ii) A class D/R license may be issued to:

- (I) An establishment which qualifies as a restaurant under § 25-101(43)(A) and has gross annual food sales of at least \$1500 per occupant (as determined by the establishment's Board-approved certificate of occupancy); or
- (II) An establishment which qualifies as a restaurant under § 25-101(43)(B).

(iii) The Board shall, by rule, adjust for inflation the gross annual food sales per occupant requirements established under subparagraphs (B)(i)(I) and (B)(ii)(I) of this paragraph once every 5 years. The first adjustment shall be effective January 1, 2010. In determining the appropriate inflation index to be applied, the Board may consider the inflation indices customarily employed by the federal and District governments for similar purposes.

(4) The Board, in its sound discretion, may require that a restaurant (R) licensee file a security plan with the Board. A restaurant (R) licensee so required shall comply with the terms of its security plan.

(5)(A) Notwithstanding any other provision of this subchapter, a restaurant license (R) under this section shall authorize the licensee to permit a patron to remove one partially consumed bottle of wine for consumption off premises.

(B) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employee before removal from the premises.

(C) The partially consumed bottle shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine shall be provided by the licensee and attached to the container.

(c)(1) A tavern license (T) shall be issued only for a tavern.

(2) The size of the dance floor in a tavern that does not possess an entertainment endorsement shall not exceed 140 square feet; provided, that the licensee whose establishment on September 30, 1986 contained a regularly used dance floor in excess of 140 square feet and who is occupying the same establishment shall not be disqualified under this limitation.

(3) There shall be 2 classes of tavern licenses:

- (A) Class C/T (spirits, wine, and beer); and
- (B) Class D/T (beer and wine).

(4) The Board, in its sound discretion, may require that a tavern (T) licensee file a security plan with the Board. A tavern (T) licensee so required shall comply with the terms of its security plan.

(d)(1) A nightclub license (N) shall be issued only to a nightclub with a security plan. The holder of a nightclub license shall comply with the terms of its security plan.

(2) There shall be two classes of nightclub licenses:

- (A) Class C/N (spirits, wine, and beer); and
- (B) Class D/N (beer and wine).

(e)(1) A hotel license (H) shall be issued only for a hotel license.

(2) The license shall authorize the sale and service of alcoholic beverages for consumption in the dining rooms, lounges, banquet halls, and other similar facilities on the licensed premises, and in the private rooms of registered guests.

(3) The license shall not authorize the sale and service of alcoholic beverages for consumption in a nightclub on the premises of the hotel. The licensee may also be issued a nightclub license on the premises of the hotel.

(4)(A) The licensee shall file with the Board quarterly statements, on the dates and in the manner prescribed by the Board, reporting for the preceding quarter: the gross receipts for the establishment; its gross receipts for sales of alcoholic beverages; its gross receipts for the sale of food; its total expenses for the purchase of food and alcoholic beverages; its expenses for the purchase of food; and its expenses for the purchase of alcoholic beverages.

(B) The Board shall make a licensee's quarterly statements available for the purpose of allowing a protestant to determine the gross annual receipts of a licensee.

(5)(A) There shall be 2 classes of hotel licenses:

- (i) Class C/H (spirits, beer, and wine); and
- (ii) Class D/H (beer and wine).

(B)(i) A class C/H license may be issued to:

(I) An establishment that has annual gross food sales in a hotel dining room of at least \$2000 per occupant (as determined by the establishment's Board-approved certificate of occupancy); or

(II) An establishment that has sales of food in a hotel dining room which accounts for at least 45% of gross annual receipts from the operation of the dining room; provided, that in the case of a hotel that has 200 or fewer rooms and was built before January 1, 1940, sales of food shall account for at least 25% of gross annual receipts from the operation of the dining room.

(ii) A class D/H license may be issued to:

(I) An establishment that has annual gross food sales in a hotel dining room of at least \$1500 per occupant (as determined by the establishment's Board-approved certificate of occupancy); or

(II) An establishment that has sales of food in a hotel dining room which accounts for at least 45% of gross annual receipts from the operation of the dining room; provided, that in the case of a hotel that has 200 or fewer rooms and was built before January 1, 1940, sales of food shall account for at least 25% of gross annual receipts from the operation of the dining room.

(f)(1) A club license shall be issued only for a club.

(2) No license shall be issued to a club which has not been incorporated for at least one year immediately before the filing of an application for the license.

(3) The licensee may permit consumption of alcoholic beverages on the parts of the licensed premises as may be approved by the Board.

(4) There shall be 2 classes of club licenses:

- (A) Class C (spirits, beer, and wine); and
- (B) Class D (beer and wine).

(g)(1) A multipurpose facility license shall be issued only to legitimate theaters, universities, museums, conference centers, art galleries, or facilities (such as the Lincoln Theatre or the D.C. Arena) for the performance of sports, cultural, or tourism-related activities.

(2) The licensee may permit consumption of alcoholic beverages on the parts of the licensed premises as may be approved by the Board.

(3) There shall be 2 classes of multipurpose facility licenses:

- (A) Class C (spirits, beer, and wine); and
- (B) Class D (beer and wine).

(4) The Board, in its sound discretion, may require that a multipurpose facility licensee file a security plan with the Board. A multipurpose facility licensee so required shall comply with the terms of its security plan.

(h)(1) A common carrier license shall be issued only for a passenger-carrying marine vessel serving food or a railroad club or dining car.

(2) Any person operating a railroad in interstate commerce of 100 miles or more may be issued a single license covering all of the railroad's dining and club cars. The license shall identify the railroad dining cars and club cars covered by the license and shall be kept on display at the licensee's principal place of business in the District.

(3) Any person operating a passenger-carrying marine vessel line in the District may be issued a single license covering all of its passenger-carrying marine vessels serving food and its dockside waiting areas for its passengers. The license shall identify the passenger-carrying marine vessels and dockside waiting areas covered by the license and shall be kept on display at the licensee's principal place of business in the District. The license issued shall not cover any permanently berthed vessel.

(4) There shall be 2 classes of common carrier licenses:

(A) Class C (spirits, beer, and wine); and

(B) Class D (beer and wine).

(i)(1) A caterer's license shall be issued only to a caterer.

(2) Notwithstanding any provision of this title, a caterer's license under this subsection shall authorize the licensee to sell, deliver and serve alcoholic beverages for consumption on the premises of a catered event at which the licensee is also serving prepared food.

(3) A caterer's license shall be valid for 3 years.

(4) A caterer licensed under this subsection shall file records with, and maintain records for inspection by, the Board in such manner as the Board shall determine by regulation promulgated under § 25-211(b); provided, that commercial or financial information considered by the Board to be proprietary information or trade secrets, the disclosure of which would result in harm to the competitive position of the licensee, shall not be made available to the public.

(5) Wholesalers and off-premises retailers, class A, may sell alcoholic beverages to caterers licensed under this subsection for catered events of 100 persons or less. Only off-premises retailers, class A, may sell alcoholic beverages to caterers licensed under this subsection for catered events in excess of 100 persons.

(j)(1) Cover charges or the sale of items other than food or beverage shall not be included in determining an establishment's gross annual food sales or whether the sale of food accounts for at least 45% of the establishment's gross annual receipts; provided, that minimum charges that are readily identifiable as food or beverage shall be included in calculating whether the establishment is meeting the food sales requirements set forth in § 25-101(43) and this section.

(2) Off-site food sales by a licensee under a license, class C/R, D/R, C/H, or D/H, shall also not be included for purposes of calculating whether the establishment is meeting the food sales requirement set forth in either § 25-101(43) or this section.

(3)(A) Each licensee under a license, class C/R, D/R, C/H, or D/H, shall keep and maintain on the premises for a period of 3 years adequate books and records showing all sales, purchase invoices, and dispositions, including the following:

(i) Sales information that includes the date, the price of food sold, the price of alcoholic beverages sold, and the amount of total sales;

(ii) Purchase information that includes the date and quantity of the purchase, the name, address, and phone number of the wholesaler and or vendor with the original invoice; and

(iii) Register receipts or guest checks, which may be kept daily or weekly that include the food sold, the alcoholic beverages sold, and the amount of total sales.

(B) Any licensee may file a written request with the Board to have his books and records, except the day to day records or register receipts, kept at an accountant's office or the licensee's office; provided, that the records are made available within 3 days of request by ABRA staff.

(C) The failure of a licensee under a license, class C/R, D/R, C/H, or D/H, to keep and maintain records as required by this section shall be subject to the following penalties:

(i) One-quarter of non-compliance shall result in a penalty not to exceed \$3,000 and ABRA monitoring;

(ii) Non-compliance after 2 quarters shall result in a penalty not to exceed \$4,500 or license suspension for a period not to exceed 5 days; or

(iii) Non-compliance after 3 or more quarters shall result in a show cause hearing for revocation or a mandatory change in license class.

(D) A violation of this section shall also be a primary tier violation under § 25-830(c).

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67

Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, §§ 101(c), 301(c), 51 DCR 6525; Apr. 13, 2005, D.C. Law 15-354, § 102(a)(2), 52 DCR 2638; Mar. 2, 2007, D.C. Law 16-191, § 47(c), 53 DCR 6794; July 18, 2008, D.C. Law 17-201, § 2(c), 55 DCR 6289; Mar. 25, 2009, D.C. Law 17-353, § 241, 56 DCR 1117; Mar. 25, 2009, D.C. Law 17-361, § 2(a), 56 DCR 1204; Mar. 3, 2010, D.C. Law 18-111, § 2082(n)(2), 57 DCR 181.)

#### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code §§ 25-103(25) and 25-111(a)(7), (8), (13)(D). For notes from former § 25-103, see § 25-101. For notes from former § 25-111, see § 25-110.

#### *Prior Codifications*

1981 Ed., § 25-113.

1973 Ed., § 25-111.

#### *Effect of Amendments*

D.C. Law 15-187 rewrote par. (3) of subsec. (b); in par. (2) of subsec. (c), substituted "a tavern that does not possess an entertainment endorsement shall" for "a tavern shall"; rewrote pars. (1) and (5) of subsec. (e); rewrote par. (1) of subsec. (g); in par. (3) of subsec. (i), substituted "be valid for 3 years" for "be valid for 2 years"; and added subsec. (j). Prior to amendment, par. (3) of subsec. (b), pars. (1) and (5) of subsec. (e), and par. (1) of subsec. (g) had read as follows:

"(3) There shall be 2 classes of restaurant licenses:

"(A) Class C/R (spirits, wine, and beer); and

"(B) Class D/R (wine and beer)."

"(e)(1) A hotel license (H) shall be issued only for a hotel. Sales of food in a hotel dining room shall account for at least 45% of gross annual receipts from the operation of the dining room; provided, that in the case of a hotel that has 200 or fewer rooms and was built before January 1, 1940, sales of food shall account for at least 25% of gross annual receipts from the operation of the dining room."

"(5) There shall be 2 classes of hotel licenses:

"(A) Class C/H (spirits, beer, and wine); and

"(B) Class D/H (beer and wine)."

"(g)(1) A multipurpose facility license shall be issued only for a legitimate theater or a facility (such as the Washington Convention Center, the Lincoln Theatre, or the DC Arena) for the performance of sports, cultural, or tourism-related activities."

D.C. Law 15-354, in subsec. (e)(5)(B), validated a previously made technical correction.

D.C. Law 16-191 substituted "this section" for "§ 25-113".

D.C. Law 17-201 added subsecs. (b)(4), (5), (c)(4), and (g)(4); and rewrote subsec. (d)(1), which had read as follows:

"(d)(1) A nightclub license (N) shall be issued only for a nightclub."

D.C. Law 17-353 validated a previously made technical correction in subsec. (g)(4).

D.C. Law 17-361, in subsec. (b)(1), added the second sentence.

D.C. Law 18-111, in subsec. (g)(1), deleted "the Washington Convention Center," following "(such as)".

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2082(n)(2) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2082(n)(2) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

#### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For Law 16-191, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

Law 17-361, the "Alcoholic Beverage Enforcement Act of 2008", was introduced in Council and assigned Bill No. 17-983 which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 16, 2009, it was assigned Act No. 17-696 and transmitted to both Houses of Congress for its review. D.C. Law 17-361 became effective on March 25, 2009.

For Law 18-111, see notes following § 25-101.

### **§ 25-113A. LICENSE ENDORSEMENTS.**

- (a) All license endorsements shall be placed on the applicant's license.
- (b) The licensee under a license, class C/R, D/R, C/H, D/H, C/T, and D/T, shall obtain an entertainment endorsement from the Board to be eligible to have entertainment, a cover charge, or offer facilities for dancing.
- (c) The licensee under an on-premises license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, and D/N, shall obtain a sidewalk cafe endorsement or summer garden endorsement from the Board to be eligible to conduct business operations on a sidewalk cafe or summer garden, which may include the sale, service, and consumption of alcoholic beverages on outdoor public or private space.

(Sept. 30, 2004, D.C. Law 15-187, § 301(c), 51 DCR 6525; designated § 301(d), Apr. 13, 2005, D.C. Law 15-354, § 102(a)(1), 52 DCR 2638.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-187, see notes following § 25-101.

For Law 15-354, see notes following § 25-113.

### **§ 25-114. ARENA C/X LICENSE REQUIREMENTS AND QUALIFICATIONS; SPECIAL PROVISIONS FOR ON-PREMISES RETAIL LICENSES, CLASS C, AT DC ARENA.**

- (a) A retailer's license, class Arena C/X, shall be issued only for the DC Arena and shall permit the storage and sale of spirits, wine, and beer for consumption on the premises of the DC Arena. The license shall not permit the sale or dispensing of alcoholic beverages in unbroken packages for the purpose of permitting the packages to be carried off the premises.
- (b)(1) Upon application by an applicant as set forth in Chapter 4, the Board shall issue one or more retailer's licenses, class Arena C/X, to the lessee under the Land Disposition Lease.
  - (2) At the option of the lessee, the licenses may be issued to concessionaires and tenants of the lessee, as may be requested from time to time by the lessee.
  - (3) Licenses may be canceled by the Board at the request of the RLA if the lessee ceases to operate the DC Arena.
  - (4) If the lessee assigns its interest in the Land Disposition Lease, the Board shall, at the request of the RLA, transfer the licenses to the lessee's assignee, upon application under Chapter 4 and approval by the Board.
- (d) One or more retailer's licenses, class Arena C/X, shall be issued either as the license for all alcoholic beverage operations at the DC Arena or individually for concession stands, portable bars, and other non-fixed locations, and suite and club suite service.

(e) One or more on-premises retailer's licenses, class C, may be issued to concessionaires or tenants of the DC Arena for suitable locations within the DC Arena, approved by the Board, where food and alcoholic beverages are served.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

## **§ 25-115. TEMPORARY LICENSE REQUIREMENTS AND QUALIFICATIONS.**

(a) A temporary license shall authorize the licensee temporarily to sell or permit the consumption of alcoholic beverages at the specific premises described for consumption on the premises where sold. The license may be issued for a banquet, picnic, bazaar, fair, or similar public gathering where food is served for consumption on the premises. No alcoholic beverages shall be sold or served to a customer in an unopened container.

(b) A temporary license shall be issued for no more than 4 consecutive days.

(c) The issuance of a temporary license shall be solely in the discretion of the Board.

(d) If the applicant has failed to control the environment of a previous event associated with a temporary license or has sustained community complaints or police action, the Board may deny the license application.

(e) There shall be 2 classes of temporary licenses:

(1) Class F (beer and wine); and

(2) Class G (spirits, beer, and wine).

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 1, 2002, D.C. Law 14-190, § 1702(c), 49 DCR 6968.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(10), (10.1). For notes from former § 25-111, see § 25-110.

*Prior Codifications*

1981 Ed., § 25-115.

1973 Ed., § 25-111.

*Effect of Amendments*

D.C. Law 14-190 rewrote subsec. (b) which had read as follows:

"(b) A temporary license may be issued for no more than 2 consecutive days."

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 1702(c) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 14-190, see notes following § 25-101.

## § 25-116. SOLICITOR'S LICENSE REQUIREMENTS AND QUALIFICATIONS.

A solicitor's license shall authorize the licensee to sell any alcoholic beverage on behalf of the vendor whose name appears upon the license and whom the solicitor represents. A license shall be issued for only one vendor and a license shall be issued to the solicitor for each vendor whom the solicitor represents. A solicitor's license shall allow the licensee to transport samples to and from licensed establishments.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13- 298, § 101, 48 DCR 2959; July 18, 2008, D.C. Law 17-201, § 2(d), 55 DCR 6289.)

### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(11). For notes from former § 25- 111, see § 25-110.

### *Prior Codifications*

1981 Ed., § 25-116.

1973 Ed., § 25-111.

### *Effect of Amendments*

D.C. Law 17-201 inserted "A solicitor's license shall allow the licensee to transport samples to and from licensed establishments."

### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

## § 25-117. BREW PUB PERMIT REQUIREMENTS AND QUALIFICATIONS.

(a) A brew pub permit shall authorize the licensee to brew malt beverages at one location for consumption at a licensed restaurant or tavern and for sale to licensed wholesalers for the purpose of resale to other licensees. The location used to brew malt beverages shall be on or immediately adjacent to the restaurant or tavern licensed to the brew pub owner in accordance with subsection (b) of this section.

(b) A brew pub permit shall be issued only to the licensee under an on-premises restaurant or tavern retailer's license, class C or D, or in conjunction with the issuance of an on-premises restaurant or tavern retailer's license, class C or D.

(c) A brew pub permit shall be void if:

(1) The restaurant or tavern ceases to be operated as a restaurant or tavern; or

(2) The licensee's on-premises retailer license, class C or D, is revoked or cancelled.

(d) A brew pub permit shall be automatically suspended whenever and for the same period of time that the licensee's retailer's license, class C or D, is suspended.

(Jan. 24, 1934, 48 Stat. 324, ch. 4, § 11; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 1; June 18, 1934, 48 Stat. 997, ch. 588; July 2, 1935, 49 Stat. 444, ch. 359; Aug. 27, 1935, 49 Stat. 898, 899, ch. 756, §§ 3-7; June 15, 1938, 52 Stat. 691, ch. 396, §§ 1, 2; May 27, 1949, 63 Stat. 133, ch. 146, title V, § 501; June 29, 1953, 67 Stat. 103, ch. 159, § 404(d); May 31, 1962, 76 Stat. 89, Pub. L. 87-470, § 1; Dec. 8, 1970, 84 Stat. 1393, Pub. L. 91-535, § 2; Apr. 6, 1977, D.C. Law 1-102, § 2(a), (b), 23 DCR 8732; Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Mar. 5, 1981, D.C. Law 3-157, § 2(b), 27 DCR 5117; Sept. 29, 1982, D.C. Law 4-157, §§ 6, 15, 29 DCR 3617; Mar. 10, 1983, D.C. Law 4-204, § 2, 30 DCR 185; Aug. 2, 1983, D.C. Law, 5-16, § 3, 30 DCR 3193; Mar. 8, 1984, D.C. Law 5-51, § 2(a), 30 DCR 5927; Mar. 7, 1987, D.C. Law 6-217, § 5, 34 DCR 907; Aug. 17, 1991, D.C. Law 9-40, § 2(b), 38 DCR 4974; May 24, 1994, D.C. Law 10-122, § 2(e), 41 DCR 1658; Mar. 26, 1999, D.C. Law 12-202, § 2(b), 45 DCR 8412; Apr. 20, 1999, D.C. Law 12-261, § 2003(q)(1), 46 DCR 3142; May 3, 2001, D.C. Law 13- 298, § 101, 48 DCR 2959.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-111(a)(12.1). For notes from former § 25-111, see § 25-110.

*Prior Codifications*

1981 Ed., § 25-117.

1973 Ed., § 25-111.

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

**§ 25-118. TASTING PERMIT REQUIREMENTS AND QUALIFICATIONS.**

(a) A tasting permit shall be issued only to a licensee under a manufacturer's license, class A and B, a retailer's license, class A and B, or an applicant which is a full service grocery store and meets the requirements of § 25-303(c)(1), (2), and (3), to utilize a portion of their licensed premises for the tasting of products as listed in subsection (c) of this section.

(b) Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.

(c) A licensee shall not provide to a customer, in one day, samples greater than the following quantities:

(1) 3 ounces of spirits;

(2) 6 ounces of wines; and

(3) 12 ounces of beer.

(d) A tasting permit shall be valid for 3 years.

(e) The holder of a manufacturer's license, class A, may utilize a portion of the licensed premises for the sampling of spirits, and the holder of a manufacturer's license, class B, may utilize a portion of the licensed premises for the sampling of beer, between the hours of 1:00 p.m. and 9:00 p.m., Thursday through Saturday.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 101(d), 51 DCR 6525; July 18, 2008, D.C. Law 17-201, § 2(e), 55 DCR 6289; Oct. 20, 2011, D.C. Law 19-25, § 2, 58 DCR 6513; Sept. 20, 2012, D.C. Law 19-168, § 2112(b), 59 DCR 8025.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

*Effect of Amendments*

D.C. Law 15-187, in subsec. (a), substituted "class A, or an applicant which is a full service grocery store and meets the requirements of § 25-303(c)(1), (2), and (3)" for "class A"; and added subsec. (d).

D.C. Law 17-201, in subsec. (a), substituted "class A and B" for "class A"; and, in subsec. (d), substituted "3 years" for "2 years".

D.C. Law 19-25, in subsec. (a), substituted "manufacturer's license, class B, a retailer's license, class A and B, or an applicant" for "retailer's license, class A and B, or an applicant"; and added subsec. (e).

D.C. Law 19-168, in subsec. (a), substituted "manufacturer's license, class A and B" for "manufacturer's license, class A and B"; and, in subsec. (e), substituted "The holder of a manufacturer's license, class A, may utilize a portion of the licensed premises for the sampling of spirits, and the holder" for "The holder" and "beer, between" for "beer between".

*Temporary Amendments of Section*

Section 2 of D.C. Law 19-17, in subsec. (a), substituted "manufacturer's license, class B; retailer's license, class A and B; or an applicant" for "retailer's license, class A and B, or an applicant"; and added subsec. (e) to read as follows:

"(e) The holder of a manufacturer's license, class B, may utilize a portion of the licensed premises for the sampling of alcoholic beverages between the hours of 1:00 p.m. and 9:00 p.m., Thursday through Saturday."

Section 4(b) of D.C. Law 19-17 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Brewery Manufacturer's Tasting Permit Amendment Emergency Act of 2011 (D.C. Act 19-71, May 19, 2011, 58 DCR 4235).



For temporary (90 day) amendment of section, see § 2 of Brewery Manufacturer's Tasting Permit Congressional Review Emergency Act of 2011 (D.C. Act 19-148, August 9, 2011, 58 DCR 6830).

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

For Law 17-201, see notes following § 25-101.

Law 19-25, the "Brewery Manufacturer's Tasting Permit Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-118, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 7, 2011, and July 12, 2011, respectively. Signed by the Mayor on July 28, 2011, it was assigned Act No. 19-102 and transmitted to both Houses of Congress for its review. D.C. Law 19-25 became effective on October 20, 2011.

For history of Law 19-168, see notes under § 25-110.

## **§ 25-119. IMPORTATION PERMIT REQUIREMENTS AND QUALIFICATIONS.**

(a) An importation permit shall authorize the licensee to import, transport, or cause to be imported or transported, alcoholic beverages into the District. An importation permit shall be issued to the licensee under a retailer's license, class A, B, C, or D, and a pool buying agent if the Board is satisfied that the alcoholic beverages bearing the same brand or trade name are not obtainable by the licensee from a licensed manufacturer or wholesaler in the District in sufficient quantity to reasonably satisfy the immediate needs of the licensee and when the licensee has paid the appropriate taxes as imposed by Chapter 9.

(b) The permit shall specifically set forth the quantity, character, and brand or trade name of the alcoholic beverage to be transported and the names and addresses of the seller and the licensee.

(c) The permit shall accompany the alcoholic beverages during transportation in the District to the licensed premises of the licensee and shall be exhibited upon the demand of any police officer or duly authorized inspector of the Board.

(d) The permit shall, immediately upon receipt of the alcoholic beverages by the retail licensee, be marked "canceled" by the licensee.

(Jan. 24, 1934, 48 Stat. 332, ch. 4, § 23; Apr. 30, 1934, 48 Stat. 654, ch. 181, § 3; June 18, 1934, 48 Stat. 1014, 1015, ch. 600, §§ 1, 2; Aug. 27, 1935, 49 Stat. 901, 903, ch. 756, §§ 11, 17; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; May 27, 1949, 63 Stat. 135, ch. 146, title V, § 505; May 18, 1954, 68 Stat. 113, ch. 218, title VIII, § 801; Mar. 31, 1956, 70 Stat. 81, ch. 154, title III, §§ 301, 302(a); July 25, 1958, 72 Stat. 418, Pub. L. 85-558, §§ 1-5; Sept. 14, 1961, 75 Stat. 510, Pub. L. 87-238, §§ 1-5; Mar. 2, 1962, 76 Stat. 17, Pub. L. 87-408, § 401; Sept. 30, 1966, 80 Stat. 855, Pub. L. 89-610, title I, § 101(a); Oct. 31, 1969, 83 Stat. 175, Pub. L. 91-106, title V, § 501(a), (b); Apr. 18, 1978, D.C. Law 2-73, § 3, 24 DCR 7066; Sept. 29, 1982, D.C. Law 4-157, § 15, 29 DCR 3617; Mar. 8, 1984, D.C. Law 5-51, § 2(b)(9), 30 DCR 5927; Mar. 14, 1985, D.C. Law 5-159, § 25(b), (c), 32 DCR 30; July 25, 1989, D.C. Law 8-17, § 7(a), 36 DCR 4160; May 4, 1990, D.C. Law 8-119, § 2, 37 DCR 1738; May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Sept. 30, 2004, D.C. Law 15-187, § 401(e), 51 DCR 6525; Mar. 2, 2007, D.C. Law 16-191, § 47(d)(1), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code. The text of this section is derived from provisions formerly found in D.C. Code § 25-124(c)(2). For notes from former § 25-124, see § 25-901.

*Prior Codifications*

1981 Ed., § 25-119.

1973 Ed., § 25-124.

*Effect of Amendments*

D.C. Law 15-187, in subsec. (a), substituted "An importation permit shall be issued to the licensee under a retailer's license, class A, B, C, or D, and a pool buying agent" for "An importation permit shall be issued to the licensee under a retailer's license, class A, B, C, or D,".

D.C. Law 16-191, in subsec. (a), validated a previously made technical correction.

*Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

For Law 16-191, see notes following § 25-101.

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

## **§ 25-120. MANAGER'S LICENSE REQUIREMENTS AND QUALIFICATIONS.**

(a) A manager's license shall authorize the licensee to manage a licensed business.

(b) A licensee may be employed by one or more licensed businesses without further investigation, subject to compliance by the licensed businesses.

(c) A manager's license shall be valid for 2 years or until surrendered, suspended, or revoked. The fee for both years of the manager's license shall be paid at the time of application.

(d) A manager shall complete an alcohol training and education certification program conducted by a Board-approved provider. The manager shall be recertified every 2 years from the date of the initial certification.

(e) A manager who is licensed on or before May 3, 2001, shall complete a certification program within 6 months of May 3, 2001.

(f) A manager licensed under this section after May 3, 2001, shall complete the certification program prior to receiving his or her manager's license.

(g) Subsection (e) of this section shall not apply to a manager licensed on or before May 3, 2001, who provides proof of his or her prior certification within 2 years prior to May 3, 2001.

(h) A manager required to complete an alcohol training and education certification program under this section shall submit proof of certification to the Board on a form supplied by a Board-approved training provider.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959; Oct. 26, 2001, D.C. Law 14-42, § 6(a), 48 DCR 7612; Oct. 1, 2002, D.C. Law 14-190, § 1702(d), 49 DCR 6968; Sept. 30, 2004, D.C. Law 15-187, § 101(e), 51 DCR 6525.)

### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

### *Effect of Amendments*

D.C. Law 14-42 validated the previously made technical corrections in subsecs. (e) and (g).

D.C. Law 14-190, in subsec. (c), substituted "The fee for both years of the manager's license shall be paid at the time of application" for "The license fee shall be paid as provided under Chapter 5".

D.C. Law 15-187, in subsec. (f), substituted "prior to receiving" for "within 90 days after receiving".

### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 6(a) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

For temporary (90 day) amendment of section, see § 1702(d) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

Law 14-42, the "Technical Correction Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-216, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act No. 14-107 and transmitted to both Houses of Congress for its review. D.C. Law 14-42 became effective on October 26, 2001.

For Law 14-190, see notes following § 25-101.

For Law 15-187, see notes following § 25-101.

## **§ 25-121. ALCOHOL TRAINING AND EDUCATION CERTIFICATION PROVIDERS.**

The Board shall approve providers of alcohol training and education certification programs for the purposes of:

- (1) The certification of managers licensed under § 25-120; and
- (2) Providing alcohol training and education to a licensee as a result of an order of the Board.

(May 3, 2001, D.C. Law 13-298, § 101, 48 DCR 2959.)

### *HISTORICAL AND STATUTORY NOTES*

D.C. Law 13-298 amended and enacted into law Title 25 of the District of Columbia Official Code.

### *Legislative History of Laws*

For D.C. Law 13-298, see notes following § 25-101.

## **§ 25-122. POOL BUYING GROUPS.**

(a) A pool buying group shall be created in the following manner:

(1) Prior to commencing operations, a pool buying group shall file with ABRA a copy of the agreement under which the pool buying group will operate. The ABRA shall review the agreement and, if the requirements of applicable law and rules are met, shall approve the agreement.

(2) Any proposed amendment to a pool buying group agreement shall be filed with, and be approved by, ABRA in the same manner as original agreements before the proposed amendments shall be effective.

(3) Pool buying agreements shall include:

- (A) The name and address the cooperative or pool buying group;
- (B) The name of the buying agent for the group;
- (C) The cooperative buying group's bylaws;
- (D) For each member, the licensee's name, business name, business address, business phone number, license number, and the date each licensee joined the group;
- (E) The signatures of all the members of the pool buying group;
- (F) An attestation that the licensee is not a member of more than one pool buying group at that time; and
- (G) The license status of each member.

(b) The buying agent shall be a licensed retailer of alcoholic beverages in the District.

(c) A member of the pool buying group shall not be eligible to place an order with the group until the member has executed the pool buying agreement and the licensee's name, business name, license number, and the date of membership have been filed with, and approved by, the ABRA.

(d) Any addition or termination to the membership of the pool buying group shall be provided to ABRA under the signature of the buying agent. The notice shall include the effective date of the addition of a new member or the termination of an existing member. The notice may be in letter form or on official forms which may be promulgated by ABRA.

(e) The transfer, suspension, or revocation of a license held by a member of a pool buying group shall automatically terminate the licensee from membership in the pool buying group.

(Sept. 30, 2004, D.C. Law 15-187, § 401(f), 51 DCR 6525.)

### *HISTORICAL AND STATUTORY NOTES*

### *Legislative History of Laws*

For Law 15-187, see notes following § 25-101.

### *Miscellaneous Notes*

Sections 402 and 403 of D.C. Law 15-187 provide:

"Sec. 402. Rules and regulations.

"The Mayor shall promulgate proposed rules and regulations to administer this title within 180 days of its effective date. The proposed rules and regulations, as well as any subsequent rules and regulations amending this title, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the rules and regulations, in whole or in part, by resolution with the 45-day review period, the proposed rules and regulations shall be deemed approved.

"Sec. 403. Applicability.

"Section 401 shall apply upon the effective date of the regulations promulgated under section 402."

### **§ 25-123. FARM WINERY RETAIL LICENSE.**

(a) A farm winery retail license shall be issued to a farm winery to authorize the licensee to sell wine:

(1) From the place described for consumption off-premises and to deliver the same in the sealed bottle or other closed container in which the same was received by the licensee at the licensed establishment; and

(2) At the licensed establishment for consumption at the licensed establishment.

(b) A licensee under a farm winery retail license may sell and deliver alcoholic beverages for off-premises consumption only during the hours of sale and delivery specified for a class B off-premises retail licensee under § 25-722, and may sell and serve alcoholic beverages for on-premises consumption except as restricted by § 25-724.

(c) The provisions of §§ 25-725, 25-741 (a) and (b), 25-742, and 25-753 shall apply to a farm winery retail license.

(July 18, 2008, D.C. Law 17-201, § 2(f), 55 DCR 6289.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 17-201, see notes following § 25-101.