

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

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-211(b)(2011 Supp.), hereby gives notice of the adoption of emergency and proposed rules to amend existing subsection 718.2 of chapter 7 (General Operating Requirements) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR) by increasing the number of days covered by the Reimbursable Detail Subsidy Program (Program) from two to seven days a week. The rules would also allow reimbursement under the Program for certain Special Events.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not fewer than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b)(2)(2011 Supp.), these emergency and proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

By way of background, these rules were last modified by the Board in September 2013 to allow for reimbursement under the Program for hours worked on District or Federal holidays in addition to Friday and Saturday nights. The expansion of the Program resulted from the Board's implementation of the Fiscal Year 2013 Budget Support Act of 2012, which allowed eligible on-premise licensees to sell and serve alcoholic beverages until 4:00 a.m. and operate 24 hours a day on District or Federal holidays and certain holiday weekends. As a result of this additional hour of alcohol sales on District or Federal holidays and certain holiday weekends, the Board also made the subsidy available to on-premise licensees until 5 a.m.

Given the importance of this Program to public safety, the Board regularly monitors the Program's funding to make adjustments for the distribution of subsidies to cover the costs incurred by Alcoholic Beverage Control (ABC) licensees for MPD officers working reimbursable details under the Program.

On June 11, 2014, the Board reconsidered the existing subsidy coverage because adequate funding is available in ABRA's Fiscal Year 2014 budget to expand the distribution of subsidies paid by ABRA to MPD under the Program from two days a week to seven days. The expansion of the Program also allows for reimbursable detail coverage for certain Special Events. Special Events are deemed to be those events sponsored by a Licensee who has already received approval from the Board for a One Day Substantial Change License or a Temporary License. The hours per day covered by the Program under existing rules would remain the same.

This emergency action is necessary to immediately expand the Program for the remainder of fiscal year 2014, most notably the summer months where public safety is at greater risk. This subsidy assists licensed establishments to defray the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the establishment.

These emergency rules were adopted by the Board on June 11, 2014, by a seven (7) to zero (0) vote. The rules will become effective on July 1, 2014. The emergency rules will expire one hundred twenty (120) days from the date these rules are adopted or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

**Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, of chapter 7, GENERAL OPERATING REQUIREMENTS, of title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended by replacing subsection 718.2 to read as follows:**

718.2 ABRA will reimburse MPD fifty percent (50%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights, and on Special Events where the Licensee has already been approved for a One Day Substantial Change License or a Temporary License. The hours eligible for reimbursement shall be 11:30 p.m. to 5:00 a.m. MPD shall submit to ABRA on a monthly basis invoices documenting the fifty percent (50%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov).