

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

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(c) (2012 Repl. & 2019 Supp.)) and D.C. Official Code § 25-502 (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, gives notice of its intent to amend Subsection 718.2 of Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR). The emergency rulemaking will modify the Metropolitan Police Department Reimbursable Detail Subsidy Program's (RDO Program) hours of eligibility from 11:30 p.m. to 5 a.m., on Sunday through Saturday, to 2 p.m. to 2 a.m., on Sunday through Saturday.

In response to the Coronavirus Pandemic (pandemic), Mayor Bowser declared a Public Health Emergency and a Public Emergency. *See* Mayor's Orders 2020-045 and 2020-046 (March 11, 2020). Since the initial declaration of a public health and a public emergency, Mayor Bowser has issued a series of Mayor's Orders extending the public health and public emergency. Most recently, Mayor Bowser issued Mayor's Order 2020-103, dated October 7, 2020, which extends the public emergency and public health emergency until December 31, 2020.

On May 29, 2020, the Board gave notice in the D.C. Register that it was reducing the RDO Program Reimbursement Percentage from sixty-five percent (65%) to zero percent (0%). Since ABC-licensed establishments were not operating late at night or were only offering alcoholic beverages for off-premises consumption, and thus not retaining MPD Reimbursable Detail Officers, the Board decided a reduction in the RDO Reimbursement Percentage was warranted.

Over the last few months, however, ABC-licensed establishments have been permitted to offer limited on-premises operations. As ABC-licensed establishments begin to resume operations, the Board finds that there may be a greater demand for MPD Reimbursable Detail Officers during earlier hours of operation. The Board supports ABC-licensed establishments resuming their operations and wants to encourage them to retain MPD Reimbursable Detail Officers; however, the existing expanded hours would have an adverse impact on the communities where the establishments are located. As such, the Board believes immediate action is necessary to revise the hours of eligibility from 11:30 p.m. to 5 a.m., on Saturday through Sunday, to 2:00 p.m. to 2:00 a.m., on Saturday through Sunday.

In an effort to promote the welfare, public safety, and health of the community, the Board finds emergency action is necessary. Thus, on November 4, 2020, the Board adopted the *MPD Reimbursement Detail Subsidy Program Hours of Eligibility Notice of Emergency Rulemaking*, by a vote of seven (7) to zero (0). This emergency rulemaking shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days from the Board's adoption; expiring on or before February 25, 2021, unless superseded. The emergency rulemaking shall take effect immediately.

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

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

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