

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Statutory Authority: 4 Delaware Code, Section 304(a) (4 **Del.C.** §304(a))

PROPOSED

PUBLIC NOTICE

1407 A Rule Pertaining to Movie Theaters

A. Type of Regulatory Action Required

New Regulation

B. Synopsis of Subject Matter of the Regulation

The Office of the Alcoholic Beverage Control Commissioner intends to amend Title 4 of the Delaware Administrative Code by adding a new regulation governing the dispensing and consumption of alcoholic liquors in movie theaters. This regulatory addition is required due to passage of House Bill 299, which was effective on July 15, 2014. The legislation required the Commissioner to promulgate such rules and regulations with respect to the enforcement, including procedures to prevent the consumption of alcohol in movie theaters by those under 21 years old, or furtherance of the objectives and provisions of the legislation as the Commissioner may deem necessary.

Persons wishing to present their views regarding this matter may do so at public hearings to be held in each county. The hearings will be held as follows:

- Wednesday, September 24, 2014 at 10:00 a.m. in the third floor conference room of the Carvel Building, 820 N. French Street, Wilmington, DE;
- Tuesday, September 30, 2014 at 1:00 p.m. in the DNREC auditorium, 89 Kings Highway, Dover, DE; or
- Wednesday, October 1, 2014 at 2:00 p.m. in the Sussex County Council Chambers, Administrative Building, The Circle, Georgetown, DE.

Written comments will be accepted until close of business on October 20, 2014. Written comments should be submitted to Lauren Shinault, Regulation Review, Office of the Alcoholic Beverage Control Commissioner, Carvel Building 3rd Floor, 820 N. French Street, Wilmington, Delaware 19801. A copy of these regulations may be viewed at the above address.

1407 A Rule Pertaining to Movie Theaters

1.0 Purpose

This rule is promulgated pursuant to the Commissioner's authority to regulate the time, place, and manner in which alcoholic liquors are sold and dispensed (4 **Del.C.** §304). In addition, it is the purpose of this rule to implement and clarify the Commissioner's authority to license a movie theater to sell alcoholic liquors for consumption on any portion of the premises approved by the Commissioner (4 **Del.C.** §512 (f)). In accordance with these statutes alcoholic liquors may be sold or dispensed in a manner consistent with Title 4 of the Delaware Code and Commissioner Rules.

By the promulgation of this rule, the Commissioner finds that alcoholic liquors may be sold and consumed on the premises of a movie theater that has been approved by the Commissioner in accordance with the provisions of this rule.

2.0 Definitions

For purposes of this regulation, the following definitions shall apply.

"Alcoholic beverage" means a beverage consisting of no more than sixteen (16) ounces of beer, eight (8) ounces of wine, or two (2) ounces of spirits.

"Movie theater" means an indoor facility used to host showings of motion pictures which:

- a. has a capacity of at least 500 patrons for any single movie showing or for showing of multiple movies in separate theaters at the same time;
- b. shall host a minimum of 250 movie showings in any calendar year and shall be open at least 5 days a week;
- c. has video cameras in each theater auditorium that allows supervision of movie patrons from a centralized or remote location during a movie showing; and
- d. has a separate bar or location where alcohol is sold, served or dispensed that is separated from where food and non-alcoholic drink are sold.

3.0 Approved Course Required

All movie theater managers and employees involved in serving alcohol must successfully complete within 30 days from employment an approved course on the responsible service of alcoholic beverages.

4.0 Minors Prohibited

No minors are permitted to stand or sit at the bar or counter where alcoholic beverages are sold, served or consumed.

5.0 Dispensing Limitations

No more than one (1) alcoholic beverage may be sold to a patron at a time who is at least twenty-one (21) years old and no more than two (2) alcoholic beverages may be sold per patron per movie showing. The alcoholic beverage must be dispensed in a container that is clearly different from other non-alcoholic drinks and the patron purchasing the alcoholic beverage must be identified by a wrist band or similar means.

6.0 Inspection Required

A server trained individual must physically inspect each theater at least once during each movie showing to ensure that persons under the age of twenty-one (21) are not consuming alcohol.