

**DEPARTMENT OF STATE  
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER  
Office of the Alcoholic Beverage Control Commissioner  
1000 General Establishments and Clubs**

**1005 (Formerly Rule 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.

**18 DE Reg. 398 (11/01/14)**

**19 DE Reg. 775 (02/01/16)**