

SPONSOR: Rep. Q. Johnson & Sen. Ennis
Reps. Baumbach, Bennett, Mulrooney, Paradee, Ramone, B. Short, Walker; Sen. Poore, Sokola

HOUSE OF REPRESENTATIVES

147th GENERAL ASSEMBLY

HOUSE BILL NO. 299
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND MOVIE THEATERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 101, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

(29) "Movie theater" shall mean an indoor facility used to host showings of motion pictures and that 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. In order for a facility to be licensed as a movie theater, the facility shall host a minimum of 250 movie showings in any calendar year and shall be open at least 5 days a week.

Section 2. Amend § 512, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512 Licenses for taprooms, hotels, restaurants, motorsports speedways, concert halls or clubs; food concessionaires at horse racetracks or multi-purpose sports facilities; dinner theater performances; bowling alleys; movie theaters; caterers; removal of partially consumed bottles from premises; beverages for personal consumption at racetracks; air passenger carriers; names of licensed establishments.

(f) Any person operating a bowling alley or movie theater may apply to the Commissioner for a license to keep and sell alcoholic liquor to patrons for consumption on the premises only. A license for a movie theater shall allow for consumption by patrons within the theater or theaters where movies are being shown. A movie theater which obtains a license must sell alcoholic liquors at a separate bar or location away from other food and drink, may only sell one alcoholic

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beverage at a time per age-verified patron, may only serve two alcoholic beverages per patron per movie showing, and must have video cameras in each theater auditorium that allows supervision of movie patrons from a centralized or remote location during a movie showing. Movie theater managers and employees involved in serving alcohol must complete alcohol service training as prescribed by the Commissioner, and a theater employee who has completed alcohol service training must pass through each theater auditorium during each movie showing.

Section 3. Amend § 554, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(kk) Each of the licensees identified in subsections (a)-(h), (t)-(w), (y), (z), (bb), (cc), (dd), (ff), (gg), (hh), (ii), ~~and~~ (mm), and (qq) of this section, shall pay an additional annual fee of $100. The Commissioner shall deposit said funds into a special account designated as the "Overservice Investigation Fund." Said fund shall be utilized by the Division of Alcohol and Tobacco Enforcement to pay overtime to its agents and/or to hire and equip additional agents for the purpose of investigating and prosecuting licensees that serve intoxicated individuals.

(qq) For a license to sell alcoholic liquor in a movie theater the biennial fee shall be $1,500.

Section 4. The Commissioner shall 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 this section as the Commissioner may deem necessary. No movie theater may apply for a license to keep and sell alcoholic liquor until such rules and regulations are promulgated.