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

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.

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.

SYNOPSIS

This legislation would allow for the sale and consumption of beer, wine and liquor at movie theaters, including consumption within the theater during a movie showing, something that is allowed in at least 30 states including Maryland, New Jersey, New York and Virginia. The bill defines a movie theater as one with at least 500 seats in a single theater or combination of theaters, open at least 5 days a week with at least 250 movie showings in a year. It sets the biennial fee for a movie theater license at $1,500, the same as the concert hall category created by the General Assembly in 2012, and requires movie theaters to contribute to a Division of Alcohol and Tobacco Enforcement investigation fund, the same as other venues. The Alcoholic Beverage and Control Commissioner is required to promulgate regulations to prevent the consumption of alcohol in theaters by those not of legal age, and no licenses can be applied for until such regulations are finalized.