



Notice of Rule Change – Explanatory Statement Cinemas with Dinner Theaters

This explanatory statement concerns the **Washington State Liquor Control Board's adoption of rules regarding Cinemas with Dinner Theaters.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Liquor Control Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately June 5, 2010).

The Liquor Control Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at rules@liq.wa.gov.

What are the agency's reasons for revising these rules?

These rules are being created to implement Liquor Control Board Policy #10-2009; Restrictions on Spirits, Beer, and Wine and Beer and Wine Restaurant Licenses for Dinner Theater (Cinema) Venues.

What changes are being made?

The Board adopted these rules May 5, 2010. The rules will be filed on May 5, 2010 and will be effective on June 5, 2010.

Summary of all public comments received on this rule proposal.

No public comment was received.

Testimony at Public Hearing – April 28, 2010 Olympia, WA

None

WAC Changes

NEW SECTION

WAC 314-02-027 What are the requirements/restrictions for a spirits, beer, and wine restaurant license at a cinema with a dinner theater venue? (1) A spirits, beer, and wine restaurant licensee at a cinema with a dinner theater venue must meet the following requirements:

(a) Food service requirements under WAC 314-02-035; and

(b) Lighting requirements under WAC 314-11-055.

(2) Alcohol sales and service may not be provided from the concession area in the cinema lobby.

(3) Alcohol may be consumed only in the theater rooms approved by the board.

(4) Minor patrons and employees are prohibited in the individual theater rooms that allow alcohol service and consumption.

(5) A spirits, beer, and wine restaurant licensee at a cinema with a dinner theater venue must provide a floor plan of the cinema and indicate which theater rooms within the cinema will be operated as dinner theaters. Those theater rooms not operated as dinner theaters with alcohol sales and service may be open to minors and minor employees.

Example: A cinema has eight theater rooms. The licensee wants to operate theater rooms five and six as dinner theaters with meals and alcohol sales and service. Minor patrons and employees are prohibited in theater rooms five and six, but would be allowed in the lobby area and in theater rooms one, two, three, four, seven, and eight.

Example: A cinema has eight theater rooms. The licensee wants to operate all eight theater rooms as dinner theaters with meals and alcohol sales and service. Minor patrons and employees are prohibited in the lobby area and all eight theater rooms in the cinema. No minors would be allowed on the entire premises at all times.

NEW SECTION

WAC 314-02-051 What are the requirements/restrictions for a beer and wine restaurant license at a cinema with a dinner theater venue?

(1) A beer and wine restaurant licensee at a cinema with a dinner theater venue must meet the following requirements:

- (a) Food service requirements under WAC 314-02-045; and
- (b) Lighting requirements under WAC 314-11-055;

(2) Alcohol sales and service may not be provided from the concession area in the cinema lobby.

(3) Alcohol may be consumed only in the theater rooms approved by the board.

(4) Minor patrons and employees are prohibited in the individual theater rooms that allow alcohol service and consumption.

(5) A beer and wine restaurant licensee at a cinema with a dinner theater venue must provide a floor plan of the cinema and indicate which theater rooms within the cinema will be operated as dinner theaters. Those theater rooms not operated as dinner theaters with alcohol sales and service may be open to minors and minor employees.

Example: A cinema has eight theater rooms. The licensee wants to operate theater rooms five and six as dinner theaters with meals and alcohol sales and service. Minor patrons and employees are prohibited in theater rooms five and six, but would be allowed in the lobby area and in theater rooms one, two, three, four, seven, and eight.

Example: A cinema has eight theater rooms. The licensee wants to operate all eight theater rooms as dinner theaters with meals and alcohol sales and service. Minor patrons and employees are prohibited in the lobby area and all eight theater rooms in the cinema. No minors would be allowed on the entire premises at all times.