

***JUDICIARY, RULES & ADMINISTRATION COMMITTEE***

***ADMINISTRATIVE RULES REVIEW***

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***2010 Legislative Session***

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# IDAPA 11 - IDAHO STATE POLICE

## 11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-0902

### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2009.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-2901 and 23-901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

**This rule change establishes and clarifies differentiating hours of operation, when a minor can be within a movie theater and when the alcohol beverage licensee must post its premises as 21 years and over. Temporary adoption of the rule permits movie theater owners who are also alcohol beverage licensees to immediately implement the changes in the rule. The rule confers a benefit to those licensees by broadening their potential entertainment options while ensuring that they remain within legal boundaries regarding the serving of alcoholic beverages.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**Temporary adoption of this rule assists cities and counties with economic development by broadening entertainment options for movie theaters licensed to sell alcoholic beverages. It provides an avenue for multiple uses of these facilities while remaining within legal boundaries and honoring the legislative intent of Idaho's alcohol beverage statutes.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No fees or charges are being imposed or increased as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Lt. Bob Clements, (208) 884-7060 or robert.clements@isp.idaho.gov.

DATED this 28th day of September, 2009.

Colonel G. Jerry Russell, Director  
Idaho State Police  
700 S. Stratford Drive, Meridian, ID 83643  
(208) 884-7003 / (208) 884-7090 fax

*THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE*

**022. AGE RESTRICTION REQUIREMENTS FOR LICENSED MOVIE THEATERS - WHEN MINORS PERMITTED.**

**01. Minors Prohibited.** Persons under twenty-one (21) years of age are prohibited from entering or being in any movie theater licensed to sell alcoholic beverages during the time alcohol is available for sale or consumption in the movie theater. Age restriction signs must be posted as required in subsection 021.02 of these rules at all times alcoholic beverages are sold, served or consumed in the movie theater. (9-1-09)T

**02. Minors Permitted.** Any person under twenty-one (21) years of age is permitted in a movie theater licensed to sell alcoholic beverages and no age restriction posting is required at any time when all alcohol is secured, locked up and not available for sale or consumption. (9-1-09)T

**03. Exemption.** Nothing in this rule shall apply to any movie theater that qualifies under Section 23-944(7), Idaho Code. (9-1-09)T

**0223. -- 999. (RESERVED).**