



SPONSOR: Rep. K. Williams & Sen. Walsh & Sen. Delcollo
Reps. Baumbach, Briggs King, Gray, Kowalko, Lynn,
Mitchell, Osienski; Sens. Bushweller, Pettyjohn

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 288

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 904, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Offenses concerning certain persons.

(d) Except as provided in ~~subsection~~ subsections (h) and (n) of this section, whoever, being the holder of a license to operate a tavern or taproom, admits or permits to remain in such tavern or taproom any individual under the age of 21 years, shall be fined not more than \$100.

(e) Except as provided in ~~subsection~~ subsections (h) and (n) of this section, whoever, being under the age of 21 years, enters or remains in a tavern, taproom or package store, or while therein possesses at any time alcoholic liquors, shall be fined \$50.

(h) Nothing in this section shall prevent the employment of either of the following:

~~a person~~ (1) An individual who is 19 years of age or older to serve alcoholic liquor to patrons of clubs with authorized dining facilities, hotels, racetracks and restaurants licensed under this title.

(2) An individual who is 19 through 21 years of age to serve alcoholic liquor to patrons of a taproom if the taproom meets the all of the following criteria:

a. Has separate dining facilities that seat at least 12 people.

b. Provides complete meals.

c. Has been approved by the Commissioner as meeting the requirements of paragraph (h)(2) of this section.

(n)(1) Nothing in this section shall prohibit or prevent persons under the age of 21 years from entering or remaining in a premises licensed as a tavern or taproom for the purpose of a social event, including, but not limited to, events exclusively for persons under the age of 21 years, provided that the premises licensed as a taproom or tavern is closed for business (including any Sunday); and provided further, that during any such social event, no alcoholic liquor

23 shall be sold, furnished or given to any person at any time before, during or after the social event. All alcoholic liquor must
24 be either removed from the licensed premises or placed under lock and key at all times during the social event and any time
25 before or after the social event when persons under the age of 21 years are present on the licensed premises.

26 (2) A taproom may allow a patron who is under the age of 21 years and accompanied by a parent or legal
27 guardian to enter the licensed premises until 9:00 p.m., if the taproom meets all of the following criteria:

28 a. Has a separate dining facility that seats at least 12 people.

29 b. Provides complete meals.

30 c. Has been approved by the Commissioner as meeting the requirements of this paragraph (n)(2) of this
31 section.

SYNOPSIS

Under this Act, two circumstances which currently subject alcoholic liquor license holders or individuals to fines will be permitted:

(1) An individual who is 19 years or older may serve alcohol to taproom patrons if the taproom has a separate dining facility that seats at least 12 people, provides complete meals, and has been approved by the Commissioner as meeting the requirements of this Act.

(2) A taproom may allow an individual under the age of 21 years to enter the licensed premises until 9:00 p.m., if accompanied by a parent or legal guardian, and if the taproom has a separate dining facility that seats at least 12 people, provides complete meals, and has been approved by the Commissioner as meeting the requirements of this Act.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.