

CHAPTER 98
FORMERLY
SENATE BILL NO. 56

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 § 543, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 543. Grounds for refusal of license; transfer or extension of premises.

(d) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any ~~restaurant, tavern, taproom, hotel, store, or other~~ establishment for consumption ~~on or~~ off the premises, when there is an existing licensed establishment of ~~the same~~ similar type within ~~1200 feet~~ ½ mile by accessible public road or street in any incorporated city or town, or within ~~1 mile~~ 3 miles by accessible public road or street in any unincorporated or rural ~~area~~; ~~provided, however, that if there is an existing licensed establishment less than 1 mile but more than nine tenths of 1 mile by accessible public road or street in any unincorporated or rural area, the Commissioner may, in its discretion, grant such license; and provided further, however, that the foregoing shall not apply:~~ area measured in driving distance both ways between the existing and proposed establishments. This subsection does not apply to any of the following:

(1) ~~To any~~ An existing license or to the sale, transfer of ownership, or renewal thereof; of an existing license.

(2) ~~To a club, hotel or restaurant for consumption of alcoholic liquors on the premises; A club licensed to sell off the premises where sold, farm winery, brewery-pub, microbrewery, or craft distillery.~~

(3) ~~To any holder of an existing license. A licensee who desires to move the location of his or her the license to a location within 500 feet thereof by accessible public road or street. street; provided, however, that such-~~ However, a licensee located in a shopping center or shopping mall may move the location of his the license any distance within the same shopping center or shopping mall, whether such center or mall consist of 1 or more than 1 separate buildings.

(4) An applicant for an off premises or taproom license whose license location meets 1 of the following:

a. Is between 1800 feet and ½ mile from an existing license of similar type in any incorporated city or town, if the applicant can provide a report, determined reliable by the Commissioner after written input from the Division that indicates either of the following:

1. A minimum yearly increase of 1% in the population of individuals 21 years old or older over the past 3 consecutive years measured from the month before the submission of the application.

2. A minimum increase of 3% in the population of individuals 21 years old or older in the past year measured from the month before the submission of the application within a distance of ½ mile from the borders of the property where the applicant seeks licensure.

b. Is between 1½ miles and 3 miles from an existing license of similar type in any unincorporated or rural area if the applicant can provide a report, determined reliable by the Commissioner after written input from the Division that indicates either of the following:

1. A minimum yearly increase of 1% in the population of individuals 21 years old or older over the past 3 consecutive years measured from the month before the submission of the application.

2. A minimum increase of 3% in the population of individuals 21 years old or older in the past year measured from the month before the submission of the application within a distance of 1½ miles from the borders of the property where the applicant seeks licensure.

(e) ~~Any holder of an existing license~~ The Commissioner may grant a licensee whose license was valid on December 31, 2019, and who desires to move the location of ~~his or her~~ the license due to the destruction of ~~his~~ the building, loss of lease, diversion of highway traffic pattern, or similar reason beyond the control of the ~~licensee~~, shall have preference in the issuance of a new license provided that ~~licensee a new license~~ if the application satisfies this ~~subsection~~ subsection; subsection (d) of this section, as in effect before January 1, 2020; and all other requirements under this title.

Section 2. This Act takes effect on January 1, 2020.

Approved July 10, 2019