

CHAPTER 117  
FORMERLY  
SENATE BILL NO. 93  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

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 §512 of the Title 4 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 512 Licenses, ~~for taprooms, hotels, restaurants, motorsports speedways, concert halls, beer gardens, 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.~~

(a) Any person, who is the owner or lessee, or who is recognized by the Commissioner as being in charge of a hotel, beer garden, motel, taproom, restaurant, motorsports speedway, concert hall, horse racetrack, ~~multi-purpose~~ multi-purpose sports facility, club or multiple activity club, may apply to the Commissioner for a license to purchase spirits, ~~beer~~ beer, or wine from an importer and to receive, keep and sell such spirits, ~~beer~~ beer, or wine either by the glass or by the bottle for consumption on any portion of the premises approved by the Commissioner for that purpose. Such a license entitles a club to sell such spirits, ~~wine~~ wine, or beer only to members of that club. A multiple activity club which holds such a license may apply for an additional license to sell such spirits, ~~wine~~ wine, or beer to any person who is a guest of such club or of a member of such club who is duly registered in accordance with a bylaw or rule of such club, approved by the Commissioner, provided that if the Commissioner determines that any applicant is not a multiple activity club, as defined in § 101 of this title, the application shall be denied. There shall be no age restrictions on persons permitted on the premises of a licensed multiple activity club. ~~The license issued to a food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility pursuant to this section and § 513 of this title, shall continue to be valid whether or not a race meet or sporting event is in progress.~~

(b) ~~{Repealed.}~~

(1) The license issued to a horse racetrack or multi-purpose sports facility pursuant to this section shall continue to be valid whether or not a race meet or sporting event is in progress.

(2) Subject to the provisions, restrictions and prohibitions of this title, the Commissioner may allow a horse racetrack to brew beer on its premises under all of the following conditions and restrictions:

a. The brewing facility must be situated on the premises of, or be physically a part of, the horse racetrack.

b. The brewing facility must not brew more than 4,000 barrels of beer in any calendar year.

c. In addition to other permitted sales, the horse racetrack may sell at the licensed premises beer manufactured on the licensed premises for on-premises consumption.

d. In addition to other permitted sales, the horse racetrack may sell at the licensed premises beer manufactured on the licensed premises for consumption off of the premises if the beer is sold in a growler.

e. The horse racetrack may sell beer manufactured on licensed premises in labeled barrels, bottles, or other closed containers to wholesalers licensed under this title for delivery by them to persons inside or outside this State.

f. The horse racetrack is prohibited from owning, operating, or being affiliated with any importer of alcoholic liquor, either in or without this State.

g. The Commissioner may make and publish such rules and regulations with respect to the assessment and payment of the tax on beer, under § 581 of this title, as the Commissioner deems proper, and all such rules and regulations that are not inconsistent with this title shall have the force and effect of law.

(3) The issuance of a horse racetrack license that permits the manufacture and sale of beer for off premises consumption are exempt from the distance requirements for establishments licensed or to be licensed under §543(d) of this title, and such requirements do not affect the granting of a horse racetrack license.

(d) Any person who has purchased a bottle of alcoholic liquor other than beer from a premises licensed for the sale and consumption on the premises where sold ~~beer garden~~ licensed under this title, and who has partially consumed the contents of such bottle on the licensed premises, may, if the bottle is capped, remove it from the licensed premises for the purpose of consumption off the licensed premises.

Approved July 17, 2019