

CHAPTER 62
FORMERLY
HOUSE BILL NO. 156
AS AMENDED BY
HOUSE 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:

§ 709 Prohibition of sales at certain times.

(a) No entity licensed pursuant to §501 of this title ~~manufacturer~~ or importer shall sell or deliver alcoholic liquor on Sundays, Thanksgiving, Easter or Christmas ~~any holiday specified in subsection (d) of this section~~, or at hours other than those prescribed by the rules or regulations of the Commissioner, except as subsection (f) of this section may apply.

(b) No holder of a license for the sale of ~~spirits, wines or beer~~ alcoholic liquors for off-premises consumption ~~in a store~~ shall sell or deliver the same on Thanksgiving, Easter or Christmas ~~any holiday specified in subsection (d) of this section~~, or between the hours of 1:00 a.m. and 9:00 a.m. on Mondays through Saturdays of any other day, except as subsection (f) of this section may apply, and on Sundays before noon or after 8:00 p.m. Any municipality with a population of 50,000 or more may limit sales within the boundaries of the municipality pursuant to this subsection to a maximum of 4 hours on Sundays as established by ordinance of the municipality. The closing hours for days of the week other than Sunday may be made earlier in any municipality having a population of 50,000 or more persons, by ordinance of the municipal corporation; provided however, that such ordinance be consistent with the Delaware state and federal constitutions as well as treat all businesses fairly. During the months of October through December a holder of a license for the sale of alcoholic liquor for off-premises consumption shall be permitted to have sales take place beginning at 8:00 a.m. on Mondays through Saturdays and 10:00 a.m. on Sundays.

(c) No holder of a license for the sale of alcoholic liquor for on-premises consumption shall sell the same between the hours of 1:00 a.m. and 9:00 a.m. The closing hour may be made earlier in any municipality by ordinance of the municipal corporation. The sale of alcoholic liquors by a licensee for consumption on the premises where sold shall be permitted on every day of the year; provided, that no licensee shall be required to be open to sell alcoholic liquors on Sundays, Thanksgiving, Easter or Christmas ~~any of the holidays specified in subsection (d) of this section~~.

(d) Any holder of a license to sell alcoholic liquor, for either on-premises consumption or off-premises consumption including stores and taprooms, who wishes to sell alcoholic liquors on Sundays, except a gathering license, shall pay a biennial license fee of \$500 for the issuance of a special license to serve alcoholic liquors on Sundays, which shall be in addition to any other license fees which may be required of the licensee. If a licensee holds a license to sell for on-premises consumption and off-premises consumption it shall only be required to purchase 1 special license if it wishes to serve alcoholic liquors on Sunday.

~~(d) For purposes of this section, the following shall be considered holidays: Sundays, except the Sunday before Christmas when Christmas falls on a Monday and the Sunday before New Year's Day when New Year's Day falls on a Monday; Thanksgiving Day; Christmas; and Easter.~~

~~When the Sunday before Christmas and the Sunday before New Year's Day are not considered holidays, the sale of spirits, wine, and beer may occur only between the hours of 1:00 p.m. and 6:00 p.m.~~

(e) In the municipalities and other political subdivisions of this State where daylight saving time is observed, whether authorized by law or by custom, daylight saving time shall apply to the hours mentioned in this section for the period during which daylight saving time exists.

(f) ~~Notwithstanding subsection (d) of this section, importers~~ Importers or holders of a license for the sale of spirits, wines or beer may deliver beer on Sundays in motor vehicles equipped with permanently-installed devices

for the refrigeration and dispensing of beer to licensed gatherings only; provided, however, that such licensee shall have first given notice of such delivery to the Commissioner.

~~(g) The prohibition of sales on Sunday under subsection (d) of this section shall exclude Delaware wineries and farm wineries, who may sell their product to persons of legal drinking age pursuant to § 708 of this title, for consumption off premises, between the hours of 12 noon and 6 p.m. on Sundays. Where other major holidays as listed in this section fall on Sunday, sales shall be prohibited on that day.~~

~~(h) Notwithstanding the provisions of subsection (d) of this section, a holder of a license for the sale of spirits, wine or beer in a store or taproom off may, at the licensee's discretion, sell spirits, wine or beer on Sundays between the hours of 12:00 noon and 8:00 p.m. Any holder of a license for the sale of spirits, wine or beer in a store or taproom off who chooses to conduct business on Sundays may, at his or her discretion, remain closed for business on one other day of the week without notice to or prior approval from the Commissioner, provided that the store's or taproom off's daily hours are conspicuously posted on the store's or taproom off's front window or door. Any municipality with a population of 50,000 or more may limit sales within the boundaries of the municipality pursuant to this subsection to a maximum of 4 hours as established by ordinance of the municipality. Notwithstanding this subsection, a holder of a license for the sale of spirits, wine or beer in a store or taproom off shall remain closed for business on Christmas Day and Easter Sunday.~~

Approved June 30, 2015