

CHAPTER 61
FORMERLY
HOUSE BILL NO. 119

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES OF ALCOHOLIC LIQUORS TO CERTAIN PERSONS.

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

Section 1. Amend § 708, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

§ 708 Prohibition of sales to certain persons.

(a) No person or licensee shall sell any alcoholic liquor to any:

(1) Individual who has not reached the age of 21 years, except that in any prosecution for an offense under this paragraph it shall be an affirmative defense that the individual, who has not reached the age of 21 years, presented to the accused identification, with a photograph of such individual affixed thereon, which identification sets forth information which would lead a reasonable person to believe such individual was 21 years of age or older;

(2) Person to whom such sale is prohibited;

~~(3) Individual with a mental condition or mental disability;~~

~~(4)~~ (3) Individual who habitually drinks alcoholic liquor to excess, or to whom the Commissioner and/or Division has, after investigation, decided to prohibit the sale of such liquor because of an appeal to the Commissioner and/or Division by the husband, wife, father, mother, brother, sister, employer or other person depending upon, employing or in charge of such individual, or by the mayor or other competent representative of any city, town, or other incorporated place; the interdiction in such case shall last until removed by the Commissioner and/or Division.

(b) No sale made to any person mentioned in this section, other than an individual who has not reached the age of 21 years, shall constitute a misdemeanor unless the Commissioner and/or Division has informed the seller, by registered letter, that it is forbidden to sell to such person or unless the fact is otherwise known to the seller.

Approved June 30, 2015