

CHAPTER 382
FORMERLY
HOUSE BILL NO. 238
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:

Section 1. Amend § 709(b), Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 709 Prohibition of sales at certain times.

(b) No holder of a license for the sale of alcoholic liquors for off-premises consumption shall sell or deliver the same on Thanksgiving, Easter or Christmas or between the hours of 1:00 a.m. and 9:00 a.m. on Mondays through Saturdays, 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~~ Fridays through Saturdays and 10:00 a.m. on Sundays.

Section 2. Amend § 512A(l), Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(1) A Delaware winery or farm winery shall be exempt from the prohibition of sales on Sundays as prescribed in § 709 of this title, but is limited on Sundays to the sale hours of 12 noon to 6 p.m. Where any other major holiday, as listed in § 709~~(d)~~ of this title, falls on Sunday, then sales shall be prohibited pursuant to § 709 of this title.

Section 3. Amend § 512E(k), Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(k) A craft distillery shall be exempt from the prohibition of sales on Sundays as proscribed in § 709 of this title, but any sales on Sundays shall be limited to the hours during which the holders of licenses for the sale of spirits in a store may sell on Sundays pursuant to § 709~~(h)~~ of this title. A craft distillery shall remain closed on Thanksgiving, Christmas and Easter.

Approved August 10, 2016