

CHAPTER 432
FORMERLY
HOUSE BILL NO. 447
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO BREWERY-PUBS AND MICROBREWERIES.

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

Section 1. Amend §512C(c)(1), Title 4 of the Delaware Code by deleting paragraph (1) in its entirety and substituting in lieu thereof the following:

“(1) To manufacture and sell on the licensed premises beer, mead or cider or a combination thereof, but the licensee shall not manufacture or sell more than the maximum amount permitted by Federal Regulations to qualify for a “reduced rate of tax for certain brewers” as currently found in the Code of Federal Regulations, Title 27, Part 25, Subpart 25.152(a)(2) or as hereafter amended;”.

Section 2. Amend §512C(c)(4), Title 4 of the Delaware Code by deleting paragraph (4) in its entirety and substituting in lieu thereof the following:

“(4) To sell at the licensed premises beer, mead and cider manufactured on the licensed premises for consumption on or off the licensed premises. The amount of beer, mead and cider sold for off premises consumption shall be limited to a maximum of five (5) cases per day to each retail customer.”.

Section 3. Amend §512C, Title 4 of the Delaware Code by adding a new subsection (h) as follows:

“(h) The provisions of §546 of this Title to the contrary notwithstanding, the sale for off premises consumption at a licensee licensed under this section and at up to two (2) Brewery-Pubs licensed pursuant to §512B of this Title all owned or controlled by the same person shall be permitted.”.

Section 4. Amend §512B, Title 4 of the Delaware Code by adding a new subsection (g) as follows:

“(g) The provisions of §546 of this Title to the contrary notwithstanding, the sale for off premises consumption at up to a combined total of three (3) licensees licensed under this section or two (2) licensees licensed under this section and a microbrewery licensed pursuant to §512C of this Title all owned or controlled by the same person shall be permitted.”.

Section 5. Amend §512B(b)(2), Title 4 of the Delaware Code by deleting the number “2” as found in said paragraph (b)(2) and replacing it with the phrase “three (3)”.

Approved July 24, 2010