

LAWS OF DELAWARE
VOLUME 83
CHAPTER 152
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 46

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 § 101, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 101. Definitions.

As used in this title, in addition to their usual meaning:

(8) “Bottle club” means an establishment operated for profit or pecuniary gain where customers of the establishment enter on the premises for the purpose of consuming alcoholic liquors that are brought onto the premises by the customers, consumed on the premises by the customers, and removed by the customers when the customers depart.

Section 2. Amend § 515, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 515. Sale to members of club and multiple activity ~~club~~; “bottle club” defined. ~~club.~~

(a) A club or multiple activity club may apply to the Commissioner for a license to purchase spirits, ~~wine~~ wine, or beer and to sell ~~such~~ the spirits, ~~wine~~ wine, or beer to a member of ~~that~~ the club.

(b)(1) ~~Establishments commonly known as “bottle clubs” shall be an exception to the definition of clubs set forth in § 101 (11) of this title. A bottle club is not a club.~~

(2) ~~A “bottle club” shall be defined as an establishment operated for profit or pecuniary gain where persons enter upon the premises for the purpose of consuming alcoholic liquors which are brought onto the premises by customers of the establishment and are consumed therein and removed by such persons upon their departure. [Repealed.]~~

Section 3. Amend § 515A, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 515A. Licenses for ~~“bottle clubs.”~~ bottle clubs.

(a) Except as provided in this section, it ~~shall be~~ is unlawful to operate a bottle club for profit or pecuniary ~~gain~~ a “bottle club.” ~~gain.~~

(b) The Commissioner may, upon application, grant a license to the owner, ~~lessor~~ lessor, or person in charge of the premises to operate a ~~“bottle club”~~ bottle club in accordance with this chapter.

(c) ~~A “bottle club” license authorized by this section shall be granted only to~~ The Commissioner may only grant a bottle club license to the following:

(1) ~~persons~~ A person doing business in an establishment meeting the standards of a ~~restaurant as defined by this title. Such license shall permit~~ restaurant. The license permits the establishment to operate as a ~~“bottle club”~~ bottle club on every day of the week and on ~~holidays~~ except ~~holidays, except~~ between the hours of 2:00 a.m. and 9:00 a.m. during which time ~~no~~ alcoholic liquors ~~shall may not~~ be consumed ~~upon~~ on the premises of ~~such~~ the establishment.

(2) A person renting premises to customers for holding weddings or other social gatherings where there is adequate food, as determined by the Commissioner, provided by the customer or a caterer. The license permits the establishment to operate as a bottle club on every day of the week and on holidays, except between the hours of 2:00 a.m. and 9:00 a.m. during which time alcoholic liquors may not be consumed on the premises of the establishment. If a bottle club licensed under this paragraph (c)(2) has a function that utilizes an off-site caterer, all alcohol must be provided by the off-site caterer.

Approved September 15, 2021