

LAWS OF DELAWARE
VOLUME 83
CHAPTER 275
151st GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 289

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 Chapter 5, Title 4 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 516. Consumption off premises of hotel, restaurant, club, store or taproom.

(a)~~(1)~~ Any person in charge of a hotel, restaurant, club or store (other than a grocery, delicatessen or cigar store), whether owner, lessee or manager, and recognized as such by the Commissioner, may apply to the Commissioner for a license to purchase from an importer and to keep and sell and deliver on the premises only spirits, wine or beer by the bottle, half bottle, keg, half keg, quarter keg, or sixtel, but not for consumption on the premises where sold, or in any dependency thereof. All vessels so sold shall be delivered to the purchaser and shall be removed from the premises where sold with the seals of such vessels unbroken, with the exception of those licenses that are approved by the Commissioner for a growler filler permit which allows a licensee to purchase beer by the keg or partial keg and fill containers at time of purchase which will then be capped to leave the licensed premises for consumption off of the premises. For purposes of issuing a new license under this section, all establishments licensed for the sale of alcoholic liquors, but not for consumption on the premises where sold, shall be considered as being of the same type; provided, however, this shall not apply to the transfer of ownership or the renewal of an existing license.

(2) Any person in charge of a store (other than a grocery, delicatessen or cigar store), whether owner, lessee, or manager, and recognized as such by the Commissioner with a valid license for consumption off premises issued pursuant to this section may sell spirits, wine or beer pursuant to subsection (a)(1) of this section for curbside service. Any entity with a valid off premise license pursuant to §§ 512A through 512E may sell alcoholic liquor pursuant to its license for curbside service. All sales for curbside service must do all of the following:

a. Comply with Chapter 7 of this title including § 706, which prohibits sales to intoxicated individuals, and § 708, which prohibits sales to individuals who have not reached the age of 21 years.

b. Be completed and delivered by a person certified as a responsible alcoholic beverage server pursuant to § 1205 of this title.

(b) Notwithstanding the provisions of subsection (a) of this section, any person, firm or corporation duly licensed by the government of the United States as a ships chandler, may apply to the Commissioner for a license to purchase and to keep, sell and deliver off the premises, spirits, wine or beer. The Commissioner may issue said license if it is satisfied that: (1) The applicant is a ships chandler operating a customs bonded warehouse under a license issued by the United States government, and (2) sales by ships chandler are limited to vessels of the United States or of a foreign country engaged in foreign trade pursuant to § 1309 of Title 19 of the United States Code.

(c) No person in charge of a taproom, whether as owner, lessee, manager or otherwise, may apply for a license to sell alcoholic liquors for consumption off the premises where sold, and the Commissioner shall not issue such a license for use in a taproom. Provided, however, that any person issued a license which authorizes him to sell alcoholic liquors in a taproom for consumption off the premises prior to July 6, 1983, shall be permitted to retain said license, unless revoked by the Commissioner pursuant to this title; and provided further, that any person issued a license which authorizes him to sell alcoholic liquors in a taproom for consumption off the premises prior to July 6, 1983, shall be permitted to transfer said license with the approval of the Commissioner as provided in § 571 of this title.

Approved February 7, 2022