



SPONSOR: Rep. Bolden & Sen. Brown & Rep. Chukwuocha &
Rep. Dorsey Walker
Reps. Baumbach, Cooke, K. Johnson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 385

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES FOR SALE OF
ALCOHOLIC BEVERAGES.

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

1 Section 1. Amend § 543, Title 4 of the Delaware Code by making insertions as shown by underline and deletions
2 as shown by strike through as follows:

3 § 543. Grounds for refusal of license; transfer or extension of premises [Effective Mar. 31, 2022].

4 (a) The Commissioner shall refuse to grant a license to be used in any county or subdivision thereof, if contrary to
5 any prohibitory law then in force, in such county or subdivision thereof.

6 (c) The Commissioner may refuse to grant a license to sell alcoholic liquor to any new establishment to be located
7 in the vicinity of a church, school or college. The Commissioner may issue a license to any establishment located in the
8 vicinity of a church, school or college when such establishment has been located in a place prior to the time any church,
9 school or college may thereafter be located in the vicinity of such establishment.

10 (d) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any store, or establishment
11 for consumption off the premises, when there is an existing licensed establishment of similar type within ½ mile by
12 accessible public road or street in any incorporated city or town, or within 3 miles by accessible public road or street in any
13 unincorporated or rural area measured in driving distance both ways between the existing and proposed establishments.

14 This subsection does not apply to any of the following:

15 (1) An existing license or to the sale, transfer of ownership, or renewal of an existing license.

16 (2) A club licensed to sell off the premises where sold, farm winery, brewery-pub, microbrewery, or craft
17 distillery.

18 (3) A licensee who desires to move the location of the license to a location within 500 feet thereof by
19 accessible public road or street. However, a licensee located in a shopping center or shopping mall may move the
20 location of the license any distance within the same shopping center or shopping mall, whether such center or mall
21 consist of 1 or more than 1 separate buildings.

22 (4) An applicant for an off premises license whose license location meets 1 of the following:

23 a. Is between 1800 feet and ½ mile from an existing license of similar type in any incorporated city or
24 town, if the applicant can provide a report, determined reliable by the Commissioner after written input from the
25 Division that indicates either of the following:

26 1. A minimum yearly increase of 1% in the population of individuals 21 years old or older over the
27 past 3 consecutive years measured from the month before the submission of the application.

28 2. A minimum increase of 3% in the population of individuals 21 years old or older in the past year
29 measured from the month before the submission of the application within a distance of ½ mile from the
30 borders of the property where the applicant seeks licensure.

31 b. Is between 1½ miles and 3 miles from an existing license of similar type in any unincorporated or rural
32 area if the applicant can provide a report, determined reliable by the Commissioner after written input from the
33 Division that indicates either of the following:

34 1. A minimum yearly increase of 1% in the population of individuals 21 years old or older over the
35 past 3 consecutive years measured from the month before the submission of the application.

36 2. A minimum increase of 3% in the population of individuals 21 years old or older in the past year
37 measured from the month before the submission of the application within a distance of 1½ miles from the
38 borders of the property where the applicant seeks licensure.

39 (k) (1) A municipality with a population of 50,000 or more may, by ordinance, promulgate rules for the location of
40 any new establishment licensed to sell alcoholic liquor for consumption off of the premises that are more restrictive than
41 those set forth in this section.

42 (2) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor for consumption off of the
43 premises that does not comply with a municipal ordinance promulgated pursuant to paragraph (k)(1) of this section.

SYNOPSIS

This Act allows any municipality with a population of 50,000 or more to establish by ordinance rules for the location of liquor stores that are more restrictive than state law, and requires the Alcohol Commissioner to refuse a license for any new establishment that does not comply with those rules.