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Rep. Mitchell & Rep. Michael Smith & Rep. Ramone
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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 443

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:

(50) "Third-party delivery service" means a company, organization, or entity that is outside of the operation of an establishment's business and acts as an intermediary to provide food-delivery services to customers.

Section 2. Amend § 904, 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:

§ 904. Offenses concerning certain persons.

(d) Except as provided in ~~subsection~~ subsections (h) and (n) of this section, whoever, being the holder of a license to operate a tavern or taproom, admits or permits to remain in such tavern or taproom any individual under the age of 21 years, shall be fined not more than \$100.

(e) Except as provided in ~~subsection~~ subsections (h) and (n) of this section, whoever, being under the age of 21 years, enters or remains in a tavern, taproom or package store, or while therein possesses at any time alcoholic liquors, shall be fined \$50.

(h) Nothing in this section ~~shall prevent~~ prevents any of the following:

~~the (1) The employment of a person who is 18 years of age or older to serve alcoholic liquor to patrons of establishments licensed under this title for the on-premises sale and consumption of alcoholic liquor, excepting taverns and taprooms liquor.~~

(2) The employment of a person who is 18 years of age or older to serve alcoholic liquor to patrons of a taproom or work in a kitchen or any room of a taproom where alcoholic liquor is sold, served, dispensed, or consumed.

22 (3) A person who is 18 years of age or older who enters a taproom to pick up a food order for delivery through
23 a third-party delivery service.

24 (n)(1) Nothing in this section shall prohibit or prevent persons under the age of 21 years from entering or
25 remaining in a premises licensed as a tavern or taproom for the purpose of a social event, including, but not limited to,
26 events exclusively for persons under the age of 21 years, provided that the premises licensed as a taproom or tavern is
27 closed for business (including any Sunday); and provided further, that during any such social event, no alcoholic liquor
28 shall be sold, furnished or given to any person at any time before, during or after the social event. All alcoholic liquor must
29 be either removed from the licensed premises or placed under lock and key at all times during the social event and any time
30 before or after the social event when persons under the age of 21 years are present on the licensed premises.

31 (2) A person who is under the age of 21 years and accompanied by a parent or legal guardian may enter or
32 remain in a premises licensed as a taproom until 9:00 p.m., if the taproom meets all of the following criteria:

33 a. Has a separate dining facility that seats at least 12 people.

34 b. Provides complete meals.

35 (3) A person who is under the age of 21 years and accompanied by a parent or legal guardian may enter or
36 remain in a premises licensed as a taproom when there is a special event at the taproom that the Commissioner
37 approved, for the duration of the special event.

SYNOPSIS

The purpose of this Act is to achieve 3 goals:

(1) Allow a person who is 18 years or older to serve alcoholic liquors or otherwise work in a taproom.

(2) Allow a person who is under the age of 21 years to enter or remain in a taproom until 9:00 p.m. if the person is accompanied by a parent or legal guardian and the taproom both has a separate dining facility that seats at least 12 people and provides complete meals.

(3) Allow a person who is under the age of 21 years to enter or remain in a taproom when there is a special event approved by the Commissioner, for the duration of the special event and if the person is accompanied by a parent or legal guardian.