



SPONSOR: Sen. Gay & Sen. Brown & Sen. Sokola &  
Rep. Schwartzkopf  
Sen. S. McBride; Rep. Michael Smith

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 334

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:

1 Amend Chapter 5, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as  
2 shown by underline as follows:

3 § 512. Licenses.

4 (a) Any person, who is the owner or lessee, or who is recognized by the Commissioner as being in charge of a  
5 hotel, beer garden, motel, taproom, restaurant, motorsports speedway, concert hall, horse racetrack, multi-purpose sports  
6 facility, club or multiple activity club, may apply to the Commissioner for a license to purchase spirits, beer, or wine from  
7 an importer and to receive, keep and sell such spirits, beer, or wine either by the glass or by the bottle for consumption on  
8 any portion of the premises approved by the Commissioner for that purpose. Such a license entitles a club to sell such  
9 spirits, wine, or beer only to members of that club. A multiple activity club which holds such a license may apply for an  
10 additional license to sell such spirits, wine, or beer to any person who is a guest of such club or of a member of such club  
11 who is duly registered in accordance with a bylaw or rule of such club, approved by the Commissioner, provided that if the  
12 Commissioner determines that any applicant is not a multiple activity club, as defined in § 101 of this title, the application  
13 shall be denied. There shall be no age restrictions on persons permitted on the premises of a licensed multiple activity club.

14 (1) Notwithstanding any law, regulation, or rule to the contrary, any restaurant, brewpub, tavern, or taproom, or  
15 other entity with a valid on-premise license issued pursuant to chapter 5, subchapter II of this title may sell  
16 alcoholic ~~beverages~~ liquors in transactions for take-out, curbside, or drive through service.

17 (2) All alcoholic ~~beverages~~ liquors sold for off-premise consumption under this subsection must comply with all of  
18 the following requirements:

19 a. Be sold in containers that are securely closed, which means a container that is designed to prevent consumption  
20 without removal of the lid, cap, or seal, and does not include a container with a lid with sipping holes or openings for  
21 straws.

22 b. [Repealed.]

23 c. Be limited per customer to 1 750 ML bottle of wine, 6 servings of beer, and mixed cocktails which are made in  
24 the restaurant, brewpub, tavern, ~~taproom~~ taproom, or other entity with a valid on-premise license.

25 d. Be sold and served only by a person certified as a responsible alcoholic beverage server pursuant to § 1205 of  
26 this title.

27 e. If sold by a restaurant, ~~be sold with the customer's purchase of food that costs at least \$10.~~ comply with one of  
28 the following requirements:

29 1. The alcoholic liquor is sold with the customer's purchase of food that costs at least \$10.

30 2. The alcoholic liquor is ice cream containing up to 10% alcohol by volume.

#### SYNOPSIS

This Act allows restaurants that sell ice cream containing up to 10% alcohol by volume to sell such ice cream without the requirement that the customer also purchase at least \$10 of other food. This substitute differs from the original bill by limiting this exception only to ice cream and clarifying the alcohol amount by volume of being up to 10%.

Author: Senator Gay