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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 56

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

§ 543. Grounds for refusal of license; transfer or extension of premises.

(d) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any ~~restaurant, tavern,~~ taproom, ~~hotel,~~ store, or ~~other~~ establishment for consumption ~~on or~~ off the premises, when there is an existing licensed establishment of ~~the same~~ similar type within ~~1200 feet~~ ½ mile by accessible public road or street in any incorporated city or town, or within ~~1 mile~~ 3 miles by accessible public road or street in any unincorporated or rural area; ~~provided, however,~~ that if there is an existing licensed establishment less than 1 mile but more than nine tenths of 1 mile by accessible public road or street in any unincorporated or rural area, the Commissioner may, in its discretion, grant such license; and ~~provided further, however, that the foregoing shall not apply:~~ area measured in driving distance both ways between the existing and proposed establishments. This subsection does not apply to any of the following:

(1) ~~To any~~ An existing license or to the sale, transfer of ownership, or renewal ~~thereof~~ of an existing license.

(2) ~~To a club, hotel or restaurant for consumption of alcoholic liquors on the premises;~~ A club licensed to sell off the premises where sold, farm winery, brewery-pub, microbrewery, or craft distillery.

(3) ~~To any holder of an existing license~~ A licensee who desires to move the location of ~~his or her~~ the license to a location within 500 feet thereof by accessible public road or street. ~~street; provided, however, that such~~ However, a licensee located in a shopping center or shopping mall may move the location of his the license any distance within the same shopping center or shopping mall, whether such center or mall consist of 1 or more than 1 separate buildings.

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

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

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

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

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

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

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

(e) ~~Any holder of an existing license. The Commissioner may grant a licensee whose license was valid on~~
~~December 31, 2019, and who desires to move the location of his or her the license due to the destruction of his the~~
~~building, loss of lease, diversion of highway traffic pattern, or similar reason beyond the control of the licensee, shall have~~
~~preference in the issuance of a new license provided that licensee a new license if the application satisfies this subsection~~
~~subsection; subsection (d) of this section, as in effect before January 1, 2020; and all other requirements under this title.~~

Section 2. This Act takes effect on January 1, 2020.

SYNOPSIS

This Act modernizes the process and requirements for issuance of liquor licenses for off premises consumption. The current process and requirements do not consider population growth. Minimum distance requirements are enhanced while increases in population growth will now be considered to arrive at a safety and convenience balance. This Act also grandfathers existing licensees into the current process.

Author: Senator Paradee