



SPONSOR: Sen. Lawson & Sen. Pettyjohn & Rep. Morris
Sens. Richardson, Sokola; Reps. Baumbach, Gray

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 221

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 Section 1. Amend §101, Title 4 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 101. Definitions.

4 As used in this title, in addition to their usual meaning:

5 (8) "Bottle club" means an establishment operated for profit or pecuniary gain where customers of the
6 establishment enter on the premises for the purpose of consuming alcoholic liquors that are brought onto the premises
7 by the customers, consumed on the premises by the customers, and removed by the customers when the customers
8 depart.

9 Section 2. Amend §515, Title 4 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 515. Sale to members of club and multiple activity ~~club; "bottle club" defined.~~ club.

12 (a) A club or multiple activity club may apply to the Commissioner for a license to purchase spirits, ~~wine-wine,~~ or
13 beer and to sell ~~such the~~ spirits, ~~wine-wine,~~ or beer to a member of ~~that the~~ club.

14 (b)(1) ~~Establishments commonly known as "bottle clubs" shall be an exception to the definition of clubs set forth~~
15 ~~in § 101 (11) of this title.~~ A bottle club is not a club.

16 (2) ~~A "bottle club" shall be defined as an establishment operated for profit or pecuniary gain where persons enter~~
17 ~~upon the premises for the purpose of consuming alcoholic liquors which are brought onto the premises by customers of the~~
18 ~~establishment and are consumed therein and removed by such persons upon their departure.~~ [Repealed.]

19 Section 3. Amend §515A, Title 4 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 515A. Licenses for ~~"bottle clubs."~~ bottle clubs.

22 (a) Except as provided in this section, it ~~shall be~~ is unlawful to operate a bottle club for profit or pecuniary ~~gain~~ a
23 “bottle club.” gain.

24 (b) The Commissioner may, upon application, grant a license to the owner, ~~lessor lessor,~~ or person in charge of the
25 premises to operate a ~~“bottle club”~~ bottle club in accordance with this chapter.

26 (c) ~~A “bottle club” license authorized by this section shall be granted only to~~ The Commissioner may only grant a
27 bottle club license to the following:

28 (1) ~~persons~~ A person doing business in an establishment meeting the standards of a ~~restaurant as defined by~~
29 ~~this title. restaurant. Such license shall permit~~ The license permits the establishment to operate as a ~~“bottle club”~~ bottle
30 club on every day of the week and on ~~holidays except~~ holidays, except between the hours of 2:00 a.m. and 9:00 a.m.
31 during which time ~~no~~ alcoholic liquors ~~shall~~ may not be consumed ~~upon on~~ the premises of ~~such the~~ establishment.

32 (2) A person renting premises to customers for holding weddings or other social gatherings where there is
33 adequate food, as determined by the Commissioner, provided by the customer or a caterer. The license permits the
34 establishment to operate as a bottle club on every day of the week and on holidays, except between the hours of 2:00
35 a.m. and 9:00 a.m. during which time alcoholic liquors may not be consumed on the premises of the establishment. If a
36 bottle club licensed under this paragraph (c)(2) of this section has a function that utilizes an off-site caterer, all alcohol
37 must be provided by the off-site caterer.

SYNOPSIS

Under current law, only a premises that qualifies as a restaurant or is operated by a not-for-profit group may allow customers to bring alcoholic beverages onto the premises.

This Act permits wedding venues and persons renting a premises for other social gatherings to allow customers to bring alcoholic beverages onto the premises, if licensed by the Commissioner as a bottle club.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lawson