



SPONSOR: Rep. Baumbach

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 143

1 AMEND House Bill No. 143 on line 3 after “premises” by deleting “[Effective Mar. 31, 2021]”.

2 FURTHER AMEND House Bill 143 after line 8 by adding the following:

3 “(d)(4) An applicant for an off premises ~~or taproom~~ license whose license location meets 1 of the following.”

4 FURTHER AMEND House Bill 143 after line 8 by inserting the following:

5 “(i) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any taproom or tavern  
6 establishment when there is an existing licensed establishment of similar type within 1200 feet by accessible public road or  
7 street in any incorporated city or town, or within nine tenths of a mile by accessible public road or street in any  
8 unincorporated or rural area measured in driving distance both ways between the existing and proposed establishments.

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

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

11 (2) A licensee who desires to move the location of the license to a location within 500 feet thereof by  
12 accessible public road or street. However, a licensee located in a shopping center or shopping mall may move the  
13 location of the license any distance within the same shopping center or shopping mall, whether the center or mall  
14 consists of 1 or more separate buildings.”.

SYNOPSIS

This Amendment prohibits the Commissioner from granting a license for the sale of alcoholic liquor by any taproom or tavern when there is an existing licensed establishment of similar type within 1200 feet by accessible public road or street in any incorporated city or town, or within nine tenths of a mile by accessible public road or street in any unincorporated or rural area. Recent changes to the Delaware Code increased the required distance between establishments of similar type to one half of a mile in any incorporated city or town and 3 miles outside any incorporated city or town. This Amendment would return the prohibited distance to 1200 feet and nine tenths of a mile. This Amendment also makes a corresponding technical change to § 543(d)(4) and a technical correction to the heading.