



SPONSOR: Rep. K. Williams & Sen. Walsh
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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 246

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

7 Section 2. Amend § 904, Title 4 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 § 904. Offenses concerning certain persons.

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

13 (e)~~(1)~~ Except as provided in paragraph (e)(2) of this section and subsection (n) of this section, whoever, being
14 under the age of 21 years, enters or remains in a tavern, taproom or package store, or while therein possesses at any time
15 alcoholic liquors, shall be fined \$50.

16 (2) A person who is under the age of 21 years may not be fined under paragraph (e)(1) of this section if the
17 taproom in which the person enters or remains is approved by the Commissioner under paragraph (h)(2), (h)(3), or
18 (n)(2) of this section but is not in compliance with paragraph (h)(2), (h)(3), or (n)(2) of this section.

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

20 ~~the (1) The~~ employment of a person who is 18 years of age or older to serve alcoholic liquor to patrons of
21 establishments licensed under this title for the on-premises sale and consumption of alcoholic liquor, excepting taverns
22 and taprooms. liquor. This paragraph (h)(1) of this section does not apply to a tavern or taproom, unless paragraph
23 (h)(2) applies.

(2) The employment of a person who is the age 18 through 21 years to serve alcoholic liquor to patrons of a taproom or work in a kitchen or any room of the taproom where alcoholic liquor is sold, served, dispensed, or consumed, if the taproom meets all of the following criteria:

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

b. Provides complete meals.

c. The taproom's licensee does not have a history of either of the following:

1. Being found by the Commissioner to have violated a provision of this title or a regulation adopted by the Commissioner, and an appeal of the finding is not pending or the finding was not reversed.

2. Being found by a court to be guilty of committing a criminal offense under this title.

d. Has been approved by the Commissioner as meeting the requirements of paragraphs (h)(2)a. through c. of this section.

(3) A person who is the age 18 through 21 years who enters a taproom to pick up a food order for delivery through a third-party delivery service, if the taproom meets the criteria under paragraphs (h)(2)a. through d. of this section.

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

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

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

b. Provides complete meals.

c. Has been approved by the Commissioner as meeting the requirements of this paragraph (n)(2) of this section.

d. Has been found by the Commissioner to have no ground to refuse a license under § 543 of this title.

SYNOPSIS

The purpose of this Act is to achieve 2 goals:

(1) Allow a person who is 18 years or older to serve alcoholic liquors or otherwise work in a taproom if the taproom has separate dining facilities that seat at least 12 people, provides complete meals, does not have a history of violating a provision of Title 4 or related regulations or being convicted of committing a crime under Title 4, and has been approved by the Alcoholic Beverage Control Commissioner ("Commissioner") as meeting these requirements.

(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 has separate dining facilities that seat at least 12 people, provides complete meals, has been found by the Commissioner to have no grounds to refuse a license under § 543 of Title 4, and has been approved by the Commissioner as meeting these requirements.

Under this Act, a person who is under the age of 21 years and enters or remains in a taproom that has been approved by the Commissioner under this Act may not be fined if the taproom is out of compliance with the approval.

This Act provides the Commissioner with the authority to refuse to grant an approval to a taproom under this Act if any of the grounds for license refusal under § 543 of Title 4 exist.