

SPONSOR: Rep. Bolden & Rep. Brady & Sen. McDowell &
Sen. Brown
Reps. Chukwuocha, Cooke, Dorsey Walker; Sen. Paradee

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 35
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

§ 101 Definitions.

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

(32) "Multi-purpose sports facility" shall mean a stadium ~~owned and/or operated by the State~~, featuring ~~minor league baseball games~~ sporting events where admission fees are charged to the public and having a seating capacity of at least ~~4,000~~ 2,500 seats, and excludes stadia which are operated and maintained by educational institutions, including, but not limited to, high schools, colleges or universities.

Section 2. Amend §512, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512 Licenses for taprooms, hotels, restaurants, motorsports speedways, concert halls, beer gardens, or clubs; food concessionaires at horse racetracks or multi-purpose sports facilities; dinner theater performances; bowling alleys; movie theaters; caterers; removal of partially consumed bottles from premises; beverages for personal consumption at racetracks; air passenger carriers; names of licensed establishments.

(a) Any person, who is the owner or lessee, or who is recognized by the Commissioner as being in charge of a hotel, motel, taproom, restaurant, motorsports speedway, concert hall, horse racetrack, multipurpose sports facility, club or multiple activity club, may apply to the Commissioner for a license to purchase spirits, beer or wine ~~or to purchase beer from a manufacturer or~~ from an importer and to receive, keep and sell such spirits, beer or wine either by the glass or by the bottle~~, or beer by the glass as draft beer or by the bottle~~ for consumption on any portion of the premises approved by the Commissioner for that purpose. Such a license entitles a club to sell such spirits, wine or beer only to members of that club. A multiple activity club which holds such a license may apply for an additional license to sell such spirits, wine or beer to

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any person who is a guest of such club or of a member of such club who is duly registered in accordance with a bylaw or rule of such club, approved by the Commissioner, provided that if the Commissioner determines that any applicant is not a multiple activity club, as defined in § 101 of this title, the application shall be denied. There shall be no age restrictions on persons permitted on the premises of a licensed multiple activity club.

~~(b) A food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility may apply to the Commissioner for a license to purchase spirits and wine from an importer, and to receive, keep and sell such spirits and wine to patrons in restaurants, dining rooms, suites owned, leased or operated by the license holder or at bars or counters (except at multi-purpose sports facilities) for consumption on the premises as authorized by the Commissioner, subject, however, to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commissioner.~~ The license issued to a food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility pursuant to this section and § 513 of this title, shall continue to be valid whether or not a race meet or ~~minor league baseball game~~ sporting event is in progress ~~and such licensee shall be entitled to all of the rights and privileges granted to a restaurant licensee together with the rights and privileges authorized by a license issued pursuant to § 709 of this title upon payment of the license fee set forth in § 709 of this title.~~

Section 3. Amend § 513, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 513 Sale of beer for consumption on premises of tavern, ~~horse racetrack or multi-purpose sports facility~~.

(a) Any person in charge of a tavern may apply to the Commissioner for a license to purchase from ~~a manufacturer or from~~ an importer and to receive, keep and sell beer ~~by the glass,~~ if such beer is consumed on the premises where sold. ~~Beer so sold may be served from bottles or half bottles or as draft beer.~~

~~(b) Any person in charge of dispensing food at a horse racetrack may apply to the Commissioner for a license to purchase and to receive, keep and sell beer only, for consumption on the premises, as draft beer or in individual containers at restaurants, dining rooms, suites owned, leased or operated by the license holder, bars, counters or similar contrivances.~~

~~(c) Any person in charge of dispensing food at a multi-purpose sports facility may apply to the Commissioner for a license to purchase and to receive, keep and sell beer only, for consumption on the premises, at restaurants, dining rooms, suites leased by patrons, bars, counters or similar contrivances or through individual vendors employed by the licensee. The holder of such a license may sell beer only under the following circumstances:~~

~~(1) In plastic, styrofoam or paper containers on the multi-purpose sports facility premises; and~~

~~(2) For consumption on the licensed premises.~~