SPONSOR: Rep. K. Williams & Sen. Walsh
Rep. Michael Smith; Sens. Lockman, Mantzavinos

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 195
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO BARTENDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 904, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Offenses concerning certain persons.

(g) Nothing in this section shall prevent the employment of a person, 14 years of age or older, in clubs with authorized dining facilities, hotels, racetracks and restaurants licensed under this title, provided ~~that such a person shall not be involved in the sale or service of alcoholic liquor.~~ that:

(1) A person may not be involved in the sale, service, or preparation of alcoholic liquor unless the person is 18 years of age or older.

(2) A person who is 18, 19, or 20 years old may be involved in the sale and service of alcoholic liquor but may not be involved in the preparation of alcoholic liquor unless directly supervised by a person who is 21 years of age or older and who is working behind the bar with the 18-, 19-, or 20-year-old.

(h) Nothing in this section prevents any of the following:

(1) The employment of a person 18 years of age or older to prepare, sell, or serve alcoholic liquor to patrons of establishments licensed under this title for the on-premises sale and consumption of alcoholic ~~liquor.~~ liquor, provided that a person who is 18, 19, or 20 years old and is involved in the preparation of alcoholic liquor is directly supervised by a person who is 21 years of age or older and who is working behind the bar with the 18-, 19-, or 20-year-old.

(2) The employment of a person 18 years or older to work in any capacity in a tavern or ~~taproom, except a person less than 21 years old may not prepare alcoholic liquor for patrons of a tavern or taproom.~~ taproom. A person 18 years or older may ~~sell or~~ prepare, sell, or serve alcoholic liquor for patrons of a tavern or ~~taproom.~~ taproom, provided

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that a person who is 18, 19, or 20 years old and is involved in the preparation of alcoholic liquor is directly supervised by a person who is 21 years of age or older and who is working behind the bar with the 18-, 19-, or 20-year-old.

(3) A person 18 years of age or older to enter a tavern or taproom to pick up a food order for delivery through a third-party delivery service.

(4) Notwithstanding paragraphs (h)(1), (2), and (3) of this section, a person under age 21 may not enter into or work in any capacity in a tavern or taproom that offers sexually oriented entertainment. This includes all of the following:

a. A tavern or taproom that is also licensed as an adult entertainment establishment under Chapter 16 of Title 24.

b. A tavern or taproom that offers sexually explicit performances, as defined in § 787 of Title 11.

c. A tavern or taproom that is advertised as a "strip club," "adult entertainment club," "gentlemen's club," or that offers performances or services of a sexually oriented nature.

(i) Nothing in this section shall prevent the employment of a person, 16 years of age or older, in a catering business serving liquors, provided ~~that such person shall not be engaged in the sale or service of alcoholic~~ liquor. that:

(1) A person may not be involved in the sale, service, or preparation of alcoholic liquor unless the person is 18 years of age or older.

(2) A person who is 18, 19, or 20 years old may not be involved in the preparation of alcoholic liquor unless directly supervised by a person who is 21 years of age or older and who is working behind the bar with the 18-, 19-, or 20-year-old.

(j) Nothing in this section shall prevent the employment of a person, 16 years of age or older, in a bowling alley licensed to serve alcoholic beverages, provided ~~that such person shall not be engaged in the sale or service of alcoholic liquor.~~ that:

(1) A person may not be involved in the sale, service, or preparation of alcoholic liquor unless the person is 18 years of age or older.

(2) A person who is 18, 19, or 20 years old may not be involved in the preparation of alcoholic liquor unless directly supervised by a person who is 21 years of age or older and who is working behind the bar with the 18-, 19-, or 20-year-old.

(q) Notwithstanding the age-related provisions of subsections (g), (h), (i), and (j) of this section, a person who is under 19 years old may not be involved in the preparation of alcoholic liquor while the person is enrolled in a secondary school program.

Section 2. Amend § 1204, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1204. Training standards and curriculum.

(d) Anyone required to undergo training in accordance with the provisions of this chapter, who has within the previous ~~4 years~~ 2 years successfully completed a responsible alcoholic beverage server training program which satisfies the requirements of the Commissioner, and is approved by the Commissioner, shall not be obligated to undertake additional training until such time as the person is required to undergo renewal training in accordance with § 1205 of this title.

Section 3. Amend § 1205, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1205. Certification and renewal training.

Every person who successfully completes an approved responsible alcoholic beverage server training program shall be certified by the instructor as having met the requirements of this chapter. The course taught shall be either the Division of Alcohol and Tobacco Enforcement course or any other Commissioner approved course. The instructor shall provide the names of the persons who successfully complete the approved class, as well as such additional information that is required by the Commissioner, to the Commissioner and the Division of Alcohol and Tobacco Enforcement. Such certification shall be valid for a period of ~~4 years~~ 2 years at which time the person must undergo renewal training in order to obtain recertification which shall also be valid for a period of ~~4 years.~~ 2 years. Renewal training shall include the information described in § 1204 of this title and/or such other information as the Commissioner may by regulation require.

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