SPONSOR: Sen. Lockman & Rep. K. Williams
Reps. Carson, Snyder-Hall

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 185
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS SOLD FOR OFF-PREMISE CONSUMPTION.

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

Section 1. Amend § 512, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

§ 512. Licenses.

(a) Any person, who is the owner or lessee, or who is recognized by the Commissioner as being in charge of a hotel, beer garden, motel, taproom, restaurant, motorsports speedway, concert hall, horse racetrack, multi-purpose sports facility, club or multiple activity club, may apply to the Commissioner for a license to purchase spirits, beer, or wine from an importer and to receive, keep and sell such spirits, beer, or wine either by the glass 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 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.

(1) Notwithstanding any law, regulation, or rule to the contrary, any restaurant, brewpub, tavern, or taproom, or other entity with a valid on-premise license issued pursuant to subchapter II of Chapter 5 of this title may sell alcoholic liquors in transactions for take-out, curbside, drive through, or delivery service. No person shall provide alcoholic beverage delivery services unless such person or business entity holds a third-party delivery license. Upon proper application, the Commissioner may grant a third-party delivery license to provide alcoholic liquor delivery services to customers so long as the person or business entity is also registered to do business in this State. The Commissioner shall not grant a third-party delivery license to a person or entity that also holds an on-premise license. Delivery service must be made by a licensed third-party vendor, or such third party's

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employee or independent contractor, provided that the on-premise licensee has entered into a written agreement with a licensed third-party delivery vendor that authorizes the third-party vendor, or such third-party vendor's employee or independent contractor, to deliver alcoholic liquors on behalf of the on-premise licensee. The licensed third-party vendor may not include an entity whose business is primarily the interstate shipment of goods.

(2) All alcoholic liquors sold for off-premise consumption under this subsection must comply with all of the following requirements:

a. Be sold in containers that are securely closed, which means a container that is designed to prevent consumption without removal of the lid, cap, or seal, and does not include a container with a lid with sipping holes or openings for straws.

b. [Repealed.]

c. Be limited per customer to ~~2750 ML~~ 2 750 ML bottles of wine, 1 bottle of a private label whiskey or whisky purchased from a Delaware licensed importer that is either limited availability or limited allocation, 6 servings of beer, and mixed cocktails which are made in the restaurant, brewpub, tavern, taproom or other entity with a valid on-premise license.

d. Be sold and served on the premises only by a person certified as a responsible alcoholic beverage server pursuant to § 1205 of this title.