



SPONSOR: Rep. Roy;
Reps. Cathcart, Miro

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 465

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PURCHASING, RECEIVING, STORING, AND SELLING BEER IN GROCERY STORES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend Subchapter II, Chapter 5 of the Delaware Code by adding thereto a new section to read:

2 "§516A. License for sale of beer in grocery stores for off-premises consumption.

3 (a) Subject to the provisions, restrictions, and prohibitions of this title unless expressly exempted, a beer-grocery store
4 license may be granted by the Commissioner to qualified applicants. For purposes of this section, a 'beer-grocery store license' is a
5 license issued by the Commissioner to the owner, lessee, or manager of a retail 'grocery supermarket' as described in 30 Del. C.
6 §2908(a), permitting the grocery store to purchase, receive, keep, and sell beer in bottles or cans for off-premises consumption.

7 (b) All bottles or cans of beer sold in a grocery store must be removed from the premises with the seals unbroken.

8 (c) Nothing in this section prevents the employment of a person 16, 17, or 18 years of age in a grocery store that sells
9 beer, provided that an employee aged 16 or 17 does not purchase, receive, keep, or sell, or assist in the purchasing, receiving,
10 keeping, or selling of beer. An employee aged 18, 19, or 20 may receive or keep (stock) beer, and an employee 21 or older may
11 purchase, receive, keep, or sell beer.

12 (d) Notwithstanding the hours of operation of a grocery store, the store must comply with the provisions of §709 of this
13 title that relate to stores. During the hours that a store is operating, but is prohibited from selling beer, all beer exposed for sale
14 must be kept unavailable to all persons. The Commissioner shall promulgate regulations regarding how a grocery store can
15 properly keep beer unavailable to all persons, and any other regulations that he or she considers necessary or prudent.

16 (e) A grocery store licensed to sell beer may use no more than 10% of its floor space where goods are exposed for sale to
17 expose, display, or advertise beer.

18 (f) Beer tasting pursuant to §525 of this title is prohibited in a grocery store.

19 (g) An establishment issued a beer-grocery store license by the Commissioner need not use the term 'grocery store' in its
20 tradename, advertisements, or signage unless the Commissioner specifically finds that the public may be confused as to its status as
21 a grocery store."

22 Section 2. Amend §554(h), Title 4 of the Delaware Code by inserting between "store," and "not for" the phrase "including a
23 license to sell beer from a grocery store,".

SYNOPSIS

This bill creates a new kind of alcoholic liquor license – a license to sell beer in a grocery store. Only 5 states do not have State statutes that allow beer to be sold in grocery stores: Alaska, Delaware, Maryland, Pennsylvania, and Rhode Island.

All appropriate provisions of Title 4 will apply to the new "beer-grocery store" license, except those that are expressly exempted by this bill.

The new license has a 2-year fee of \$500 (see Section 2.), an annual \$100 fee for the "Overservice Investigation Fund" (§554 (nn)), and an application process fee of \$500 (§554 (x)); therefore, a three-fifths vote is required to pass this bill.