



SPONSOR: Rep. Yearick & Rep. Spiegelman & Sen. Bushweller;  
Reps. D. Short, Hudson, Briggs King, Outten, Carson,  
Paradee; Sens. Ennis, Henry, Richardson, Sokola,  
Townsend

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 228

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC BEVERAGES AND FARMERS' MARKETS AND OTHER AGRICULTURAL THEMED EVENTS.

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

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

§512G. Farmers' Markets and Other Agricultural Themed Events.

Any entity licensed in this State as a Farm Winery, pursuant to § 512A of this Title, a Brewery-pub, pursuant to § 512B of this Title, a Microbrewery, pursuant to § 512C of this Title, a Craft Distillery, pursuant to § 512E of this Title, or as an out of state supplier pursuant to § 501 who would meet the requirements of §§ 512A, 512B, 512C or 512E of this Title if it were located in this State, shall be eligible for a permit from the Commissioner to allow sales of alcoholic beverages they manufacture at their licensed facility at Farmers' Markets and Agricultural Themed Events subject to the following conditions:

- a. The licensee must apply for a permit with the Commissioner setting forth the nature of its license and such other information as the Commissioner may require;
- b. The Commissioner shall determine if the licensee meets the requirements of §§ 512A, 512B, 512C or 512E of this Title and is otherwise qualified for a permit pursuant to this section;
- c. If the Commissioner determines the licensee is eligible, the Commissioner shall issue a permit to the licensee;
- d. The Secretary of Agriculture shall determine what events are "Farmers' Markets" and "Agricultural Themed Events";
- e. Permit holders shall be permitted to transport alcoholic beverages made at their licensed facility to the Farmers' Market or Agricultural Themed Event and shall be permitted to:
  1. have tastings of their product of up to one ounce of beer, mead, or wine and up to one-half ounce of spirits for no more than five samples per individual per day;

- 21                    2. have sales of their product in closed containers for consumption off of the premises where sold, but  
22                    no more than 200 liters of beer, wine, and mead and no more than 100 liters of spirits may be sold  
23                    per day; and
- 24                    3. transport unsold product from the Farmers' Market or Agricultural Themed Event back to their  
25                    licensed facility;
- 26                    f. Permit holders must have an employee of the permit holder at the premises who shall conduct all sales and  
27                    tastings in accordance with this section and the other requirements of this Title;
- 28                    g. Permit holders must convince the Commissioner that the host of the Farmers' Market of Agricultural Themed  
29                    Event has approved of the sale of alcoholic beverages at the event;
- 30                    h. Permit Holders must pay a biennial fee of \$100 for a permit under this section and shall pay a fee of \$5 for  
31                    each event. Permit Holders shall pay the excise tax required under § 581 of this Title and make reports  
32                    required by the Division of Revenue and the Commissioner of the sales.

#### SYNOPSIS

Delaware law currently prohibits sampling and sale of craft beer, distilled spirits, and wine at Farmer's Markets or Agricultural Themed Events. This bill allows holders of a "Farmer's Market Permit or Agricultural Themed Event Permit" to conduct tastings and sell craft beer, mead, distilled spirits, and wine in sealed containers for off-premise consumption at retail prices at off-site farmers markets or agricultural themed events. This bill requires the Department of Agriculture to certify that the event is an Agricultural Themed Event or Farmers' Market.