

LAWS OF DELAWARE
VOLUME 83
CHAPTER 523
151st GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 334

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:

Amend Chapter 5, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as 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 chapter 5, subchapter II of this title may sell alcoholic ~~beverages~~ liquors in transactions for take-out, curbside, or drive through service.

(2) All alcoholic ~~beverages~~ 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b. [Repealed.]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 1 750 ML bottle of wine, 6 servings of beer, and mixed cocktails which are made in the restaurant, brewpub, tavern, ~~taproom~~ taproom, or other entity with a valid on-premise license.

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

e. If sold by a restaurant, ~~be sold with the customer's purchase of food that costs at least \$10.~~ comply with one of the following requirements:

1. The alcoholic liquor is sold with the customer's purchase of food that costs at least \$10.
2. The alcoholic liquor is ice cream containing up to 10% alcohol by volume.

Approved November 2, 2022