
**TITLE 4 ALCOHOLIC BEVERAGES AND MARIJUANA
DELAWARE ADMINISTRATIVE CODE**

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**DEPARTMENT OF STATE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
Office of the Alcoholic Beverage Control Commissioner
1000 General Establishments and Clubs**

Rule 1002 (Formerly Rule 66) On-Premises and Off-Site Caterers

1.0 On-Premises Caterers

- 1.1 Pursuant to 4 **Del.C.** §512(g)(1), any caterer as defined by 4 **Del.C.** §101(8) may apply for a license to purchase alcoholic beverages and keep and sell such alcoholic liquors either by the glass or by the bottle for consumption on any portion of the premises of the caterer approved by the Commissioner for that purpose.
- 1.2 Caterers are empowered to sell alcoholic beverages pursuant to a license issued by the Commissioner only while providing the food and beverages at social gatherings held on the caterers' licensed premises. At least sixty (60) percent of the caterer's gross receipts must come from the sale of food.
- 1.3 The sale of alcoholic beverages shall only be allowed at events such as weddings, dinners, benefits, banquets, or other similar events for consideration pursuant to a written contract setting forth the price per person at the catered event, except that a cash bar may be utilized in conjunction with the catered event.
- 1.4 Persons not of sufficient age to consume alcoholic liquors shall be allowed and permitted to be on the licensed premises of the caterer so long as all of the other provisions of the Liquor Control Act and the rules of this Commissioner are being complied with.

2.0 Off-Site Caterers

- 2.1 Pursuant to 4 **Del.C.** §512 (g)(2), any off-site caterer may apply for a license to purchase alcoholic beverages and keep and sell such alcoholic liquors either by the glass or by the bottle for consumption on any portion of off-site premises approved by the Commissioner for that purpose.
- 2.2 Off-site Caterers are empowered to sell alcoholic beverages pursuant to a license issued by the Commissioner only while providing the food and beverages at social gatherings held at off-site premises approved by the Commissioner. At least sixty (60) percent of the caterer's gross receipts must come from the sale of food.
- 2.3 The sale of alcoholic beverages shall only be allowed at events such as weddings, dinners, benefits, banquets, or other similar events for consideration pursuant to a written contract setting forth the price per person at the catered event, except that a cash bar may be utilized in conjunction with the catered event.
- 2.4 Persons not of sufficient age to consume alcoholic liquors shall be allowed and permitted to be on the licensed premises of the caterer so long as all of the other provisions of the Liquor Control Act and the rules of this Commissioner are being complied with.
- 2.5 Each off-site catered event must be approved by the Commissioner no later than 20 days prior to the event. For the Commissioner to approve the location of the event, the following items must be submitted:
 - 2.5.1 An executed contract between the caterer and their client that lists the day, date, and time of the catered event and explicit approval from both the tenant and the landlord/property owner that permits reasonable access to the catered event by members of the DATE or other recognized law enforcement agency to ensure compliance with The Liquor Control Act and the Commissioner's Rules.
 - 2.5.2 A list of all products that will be transported to and sold at the catered event describing the type and amount of each product. This document serves as a waybill that must be present in the vehicle during the transportation of alcoholic beverages to and from the catered event.