

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER**  
Statutory Authority: 4 Delaware Code, Section 304 (4 Del.C. §304)  
4 DE Admin. Code 1202

**FINAL**

**ORDER**

**Rule 1202 (Formerly Rule 7.1) Employment of Persons Who Have Reached the Age of 18 Years in Package Stores**

**SUMMARY OF THE EVIDENCE**

1. Title 4, Section 304 of the Delaware Code authorizes the Alcoholic Beverage Control Commissioner to establish regulations in relation to all powers, duties and functions vested pursuant to the regulation of alcoholic beverages in Delaware.
2. Pursuant to 4 Del. C. § 304, the Alcoholic Beverage Control Commissioner intends to amend 4 DE Admin. C. 1202. The regulations are being amended to provide guidelines for those who are 18 years old working in package stores and curbside service by package stores to provide assistance to its customers.
3. Notice of the proposed regulation change was published in the April 1, 2022 edition of the *Delaware Register of Regulations*.
4. The Commissioner invited a period of thirty (30) days, until May 2, 2022, for written comment from the public.
5. No public comments were received for this proposed regulation.
6. Having solicited and requested public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., this is the Commissioner's Order adopting the proposed amended regulation as published previously.

**FINDINGS OF FACT**

1. The Commissioner finds that it is necessary to adopt the proposed amended regulation as published previously in order to provide guidelines for curbside service by package stores in accordance with the Delaware Liquor Control Act.

**DECISION AND ORDER TO AMEND THE REGULATION**

For the foregoing reasons, the Commissioner concludes that it is appropriate to amend 4 DE Admin. Code 1202 as set forth herein and therefore the regulation shall be adopted in accordance with this Order. The regulation changes will be effective on July 11, 2022 following publication of this Order in the *Delaware Register of Regulations* on July 1, 2022.

**IT IS SO ORDERED** this 15th day of June, 2022 by the Office of the Delaware Alcoholic Beverage Control Commissioner.

The Honorable Jacqueline Paradee Mette, Esq.  
Commissioner

**Rule 1202 (Formerly Rule 7.1) Employment of Persons Who Have Reached the Age of 18 Years in Package Stores**

**1.0 Definitions**

**"Retailer"** means the person permitted to sell alcoholic liquors in a store in the State, not for consumption on the premises. 4 Del.C. §101. A natural person who is a sole proprietor, general partner, or owner of 25 percent or more of the issued and outstanding stock of a package store shall be considered as a "person" within the meaning of §101, for purposes of this Rule.

**"Sell or serve alcoholic liquors"** means acting in any manner toward a consumer which encourages, induces, or fosters the sale of any goods, whether or not they contain alcoholic liquor. The term includes, but is not limited to, advising consumers on the selection of goods, delivery of goods to consumers before payment, and ringing up sales. The term does not include stocking shelves, affixing price labels, and other acts not requiring direct contact with consumers, nor does it include assisting consumers in carrying parcels from the store when an in-store purchase has been completed. A minor shall not at any time be permitted unaccompanied access to the premises. In addition, a minor shall not participate in a curbside delivery

transaction pursuant to 4 Del.C. §516 and 4 DE Admin. Code 910 either by completing a sales transaction or carrying a purchase from inside the store to a purchaser outside the store.

"Store" means an establishment licensed by the Commissioner only for the sale of alcoholic liquors for consumption off of the premises where sold.

## **2.0 Permits Required; Standards**

- 2.1 No retailer shall employ a person between the ages of 18 and 21 in their store unless the person between the ages of 18 and 21 shall first have been approved by the Commissioner and received a permit to work in the store.
- 2.2 The permit required by subsection 2.1 shall be issued upon application showing that:
  - 2.2.1 The applicant is 18 years of age or older;
  - 2.2.2 The applicant is a mature and responsible person; and
  - 2.2.3 The applicant has not been the subject of any judicial or administrative proceedings by any federal, state or local governmental agency involving:
    - 2.2.3.1 Violations of laws or regulations respecting controlled substances;
    - 2.2.3.2 Violations of laws or regulations respecting alcoholic liquors; or
    - 2.2.3.3 Violations of criminal statutes carrying a penalty of incarceration of more than 1 year, whether or not a sentence of imprisonment was actually imposed.
- 2.3 Permits shall continue in full force and effect until the holder attains the age of 21 years, unless sooner revoked.

## **3.0 Application for Permit; Contents; Procedure**

- 3.1 Any person who has reached the age of 18 years may apply to the Commissioner for a permit to work in a store.
- 3.2 The application shall state:
  - 3.2.1 The name, address and date of birth of the applicant;
  - 3.2.2 The name and address of the store where the applicant will be employed;
  - 3.2.3 The name and address of the high school most recently attended by the applicant;
  - 3.2.4 Any and all arrest and criminal or juvenile charges against the applicant, and their disposition, and all school disciplinary actions involving the applicant;
  - 3.2.5 The names, addresses and telephone numbers of 3 character references, who shall not be related to the applicant.
- 3.3 The application shall be signed by the applicant, at least one parent, and an approved owner of the store.

## **4.0 Approval of Application**

The Deputy Commissioner may approve or disapprove applications. An applicant may appeal disapproval to the Commissioner.

## **5.0 Violations**

A violation of this rule shall, in addition to any other penalty provided by the Liquor Control Act or these Rules, be punished by revocation of the applicant's permit, and such permit holder shall not be permitted to be employed thereafter under the provisions of this Rule or Rule 1201.

**19 DE Reg. 775 (02/01/16)**

**26 DE Reg. 62 (07/01/22) (Final)**