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HOUSE BILL NO. 688

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia and to repeal § 4.1-212.2 of the Code of Virginia and the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, relating to alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption; third-party delivery licenses; sunset; repeal.

Patrons—Leftwich, Krizek and Webert

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 4.1-204. (Effective until July 1, 2024) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include (i) the types of alcoholic beverages sold, (ii) the total quantities of alcoholic beverages sold, (iii) the total price charged for such alcoholic beverages, (iv) the name and date of birth of the person to whom the alcoholic beverages are delivered, and (v) the address to which the alcoholic beverages are delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the

59 licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to
60 subsection H of § 4.1-212.1.

61 Every licensee that is authorized to make deliveries pursuant to ~~§ 4.1-212.2~~ shall keep complete,
62 accurate, and separate records for a period of at least two years in accordance with Board regulations of
63 all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all
64 information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a
65 records request by the Authority; however, the licensee may obtain Board approval, for good cause
66 shown, to permit the licensee to provide records to a special agent of the Board within three business
67 days or less, as determined by the Board, after a request is made to inspect the records.

68 F. Inspection. — The Board and its special agents shall be allowed free access during reasonable
69 hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper
70 licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where
71 alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of
72 examining and inspecting such place and all records, invoices and accounts therein. The Board may
73 engage the services of alcoholic beverage control authorities in any state to assist with the inspection of
74 the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or
75 any applicant for such license or permit.

76 For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means
77 the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public
78 substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee
79 is open to the public. At any other time of day, if the retail licensee's records are not available for
80 inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a
81 request is made to inspect the records.

82 **§ 4.1-204. (Effective July 1, 2024) Records of licensees; inspection of records and places of**
83 **business.**

84 A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall
85 keep complete, accurate and separate records in accordance with Board regulations of all alcoholic
86 beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by
87 § 4.1-234 or 4.1-236, if any.

88 B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in
89 accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such
90 licensee therefor, and the names and addresses of the persons from whom purchased. Every retail
91 licensee shall also preserve all invoices showing his purchases for a period as specified by Board
92 regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic
93 beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection
94 D, such account need not give the names or addresses of the purchasers thereof, except as may be
95 required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding
96 retail licenses that require sales of food to determine their qualifications for such licenses, the records
97 shall also include purchases and sales of food and nonalcoholic beverages.

98 Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored
99 off site, provided that such records are readily retrievable and available for electronic inspection by the
100 Board or its special agents at the licensed premises. However, in the case that such electronic records
101 are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain
102 Board approval, for good cause shown, to permit the retail licensee to provide the records to a special
103 agent of the Board within three business days or less, as determined by the Board, after a request is
104 made to inspect the records.

105 C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep
106 records of purchases and sales of alcoholic beverages and food as required by Board regulation.

107 D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate,
108 and separate records in accordance with Board regulations of all shipments of wine or beer to persons in
109 the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating
110 whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total
111 quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall
112 include the names and addresses of the purchasers to whom the wine and beer is shipped.

113 E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to
114 § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in
115 accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth.
116 Such records shall include (i) the types of wine and beer sold, (ii) the total quantities of wine and beer
117 sold, (iii) the total price charged for such wine and beer, (iv) the name and date of birth of the person to
118 whom the wine and beer is delivered, and (v) the address to which the wine and beer is delivered.
119 Licensees and permittees shall remit such records on a monthly basis for any month during which the
120 licensee or permittee makes a delivery for which the licensee or permittee is required to collect and

remit excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales

182 requirements for those months when weather conditions may reduce patronage of the golf course,
183 provided that prepared food, including meals, is available to patrons during the same months. The gross
184 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic
185 beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent
186 of the gross receipts from the sale of mixed beverages and food on an annualized basis.

187 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license
188 shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross
189 receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or
190 for on-premises consumption in areas upon the licensed premises approved by the Board and other
191 designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit
192 the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight
193 lodging is being provided in bedrooms and private guest rooms.

194 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an
195 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed
196 beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises
197 consumption on the licensed premises of the restaurant during all hours of operation of the mixed
198 beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto
199 the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated
200 by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include
201 any areas on the premises of the mixed beverage casino licensee, including entertainment venues,
202 conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased
203 from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or
204 similar disposable container that clearly displays the name or logo of the restaurant from which the
205 alcoholic beverage was purchased.

206 The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
207 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers
208 for off-premises consumption; however, the licensee shall be required to pay the local fee required for
209 such additional license pursuant to § 4.1-233.1.

210 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the
211 business of providing food and beverages to others for service at private gatherings or at special events,
212 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption.
213 The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic
214 beverages served at gatherings and events referred to in this subdivision shall amount to at least 45
215 percent of the gross receipts from the sale of mixed beverages and food.

216 3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly
217 engaged in the business of providing food and beverages to others for service at private gatherings or at
218 special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell
219 and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of
220 food cooked and prepared for service and nonalcoholic beverages served at gatherings and events
221 referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of
222 mixed beverages and food.

223 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train,
224 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
225 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
226 rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions,
227 subsidiaries of a financial institution, or persons approved by the applicable airport authority that have
228 entered into a contract with a financial institution or subsidiary of a financial institution to operate a
229 passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated
230 areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the
231 Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express
232 carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to
233 load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in
234 close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air
235 carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of
236 its license all locations where the inventory of alcoholic beverages may be stored and from which the
237 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express
238 carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its
239 authorized representative. The granting of a license pursuant to this subdivision shall automatically
240 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or
241 in closed containers for off-premises consumption; however, the licensee shall be required to pay the
242 local fee required for such additional license pursuant to § 4.1-233.1.

243 For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity

305 and (ii) has a total capacity in excess of 100 patrons;

306 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
307 facility that has seating for more than 20,000 persons and is located in Prince William County or the
308 City of Virginia Beach;

309 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
310 facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City
311 of Portsmouth; or

312 h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax
313 County, provided that the corporate and performing arts facility (i) is occupied under a bona fide
314 long-term lease, management, or concession agreement, the original term of which was more than one
315 year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the
316 dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the
317 licensed premises approved by the Board.

318 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
319 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
320 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
321 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
322 beverage caterer at the same business premises designated in the license, with a common alcoholic
323 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
324 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
325 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to
326 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
327 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
328 licensee shall be required to pay the local fee required for such additional license pursuant to
329 § 4.1-233.1.

330 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in
331 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
332 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
333 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
334 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
335 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
336 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"
337 includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more
338 than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor
339 dining areas are under the control of the licensee and approved by the Board. Such noncontiguous
340 designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of
341 § 4.1-201.

342 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under
343 § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the
344 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide
345 member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any
346 bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in
347 any way by the licensee. The privileges of this license shall be limited to the premises of the museum,
348 regularly occupied and utilized as such.

349 11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
350 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
351 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly
352 or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the
353 licensee's premises designated by the Board that are regularly occupied and utilized for motor car
354 sporting events.

355 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
356 association governing a commercial lifestyle center, which shall authorize any retail on-premises
357 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
358 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion
359 of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
360 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
361 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of
362 such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail
363 on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle
364 center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers
365 with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed.
366 Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center

licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and

428 areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may
429 authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed
430 appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and
431 consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to
432 persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or
433 areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed
434 on the premises, provided that at least one meal is provided each day by the hotel to such guests. With
435 regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as
436 continuing care communities that are also licensed by the Board under this subdivision, any resident
437 may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic
438 beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other
439 designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises,
440 which may have more than one means of ingress and egress to an adjacent public thoroughfare,
441 provided that such outdoor dining areas are under the control of the licensee and approved by the Board.
442 Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to
443 subdivision A 5 of § 4.1-201.

444 2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for
445 their on-premises consumption only in such rooms, provided the consent of the patient's attending
446 physician is first obtained or (ii) in closed containers for off-premises consumption.

447 3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises
448 consumption or in closed containers for off-premises consumption. No license shall be granted unless (i)
449 the grocery store is located in any town or in a rural area outside the corporate limits of any city or
450 town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment
451 exists and that public convenience and the purposes of this subtitle will be promoted by granting the
452 license.

453 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer
454 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,
455 walkways, concession areas, and additional locations designated by the Board (i) in closed containers for
456 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
457 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
458 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
459 covered by the license. Such licenses may be granted to persons operating food concessions at
460 coliseums, stadiums, racetracks, or similar facilities.

461 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
462 during the performance of any event to patrons within all seating areas, concourses, walkways, or
463 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
464 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
465 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his
466 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
467 license. Such licenses may be granted to persons operating food concessions at any outdoor performing
468 arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is
469 located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more
470 than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania,
471 or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than
472 9,500 persons and is located in Henrico County.

473 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to
474 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
475 and such additional locations designated by the Board in such facilities (i) in closed containers for
476 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
477 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
478 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
479 covered by the license. Such licenses may be granted to persons operating food concessions at exhibition
480 or exposition halls, convention centers, or similar facilities located in any county operating under the
481 urban county executive form of government or any city that is completely surrounded by such county.
482 For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities
483 conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000
484 square feet of floor space.

485 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events
486 to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
487 dining areas, and such additional locations designated by the Board in such facilities, for on-premises
488 consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this
489 subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such

licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,

the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically

authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

674 6. ~~Third-party delivery licenses, which shall carry the privileges and limitations set forth in §–~~
675 ~~4.1-212.2.~~

676 **§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.**

677 A. The Board may grant the following mixed beverages licenses:

678 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed
679 beverages for consumption in dining areas and other designated areas of such restaurant. Such license
680 may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale
681 of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the
682 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale
683 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include
684 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas
685 may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such
686 areas are under the control of the licensee and approved by the Board. Such noncontiguous designated
687 areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

688 If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent
689 bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,
690 bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed
691 beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell
692 spirits packaged in original closed containers purchased from the Board for on-premises consumption to
693 registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private
694 rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale
695 and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed
696 appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own
697 lawfully acquired spirits in bedrooms or private rooms.

698 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
699 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
700 another city with which it has an agreement for reciprocal dining privileges, such license shall also
701 authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell
702 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or
703 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no
704 food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and
705 located on another portion of the premises of the same hotel or motel building, this fact shall not
706 prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's
707 gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its
708 members and guests and consumed on the premises shall amount to at least 45 percent of its gross
709 receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club
710 shall be excluded in any consideration of the qualifications of such restaurant for a license from the
711 Board.

712 If the restaurant is located on the premises of and operated by a municipal golf course, the Board
713 shall recognize the seasonal nature of the business and waive any applicable monthly food sales
714 requirements for those months when weather conditions may reduce patronage of the golf course,
715 provided that prepared food, including meals, is available to patrons during the same months. The gross
716 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic
717 beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent
718 of the gross receipts from the sale of mixed beverages and food on an annualized basis.

719 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license
720 shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard
721 to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas
722 upon the licensed premises approved by the Board and other designated areas of the resort, including
723 outdoor areas under the control of the licensee, and (B) permit the possession and consumption of
724 lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in
725 bedrooms and private guest rooms.

726 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an
727 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed
728 beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises
729 consumption on the licensed premises of the restaurant during all hours of operation of the mixed
730 beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto
731 the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated
732 by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include
733 any areas on the premises of the mixed beverage casino licensee, including entertainment venues,
734 conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased
735 from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or

similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the

797 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall
798 the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages,
799 exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a
800 license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell
801 and serve wine and beer for on-premises consumption or in closed containers for off-premises
802 consumption; however, the licensee shall be required to pay the local fee required for such additional
803 license pursuant to § 4.1-233.1.

804 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to
805 sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable
806 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
807 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by
808 the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and
809 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
810 licensee shall be required to pay the local fee required for such additional license pursuant to
811 § 4.1-233.1. Such licenses may be granted to the following:

812 a. Corporations or associations operating a performing arts facility, provided the performing arts
813 facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide
814 lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated
815 in accordance with historic preservation standards;

816 b. Persons operating food concessions at any performing arts facility located in the City of Norfolk
817 or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide
818 long-term lease or concession agreement, the original term of which was more than five years; (ii) has a
819 capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation
820 standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed
821 on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly
822 minimum established by Board regulations for mixed beverage restaurants;

823 c. Persons operating food concessions at any performing arts facility located in the City of
824 Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease
825 or concession agreement, the original term of which was more than five years; (ii) has a total capacity
826 in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation
827 standards;

828 d. Persons operating food concessions at any performing arts facility located in the arts and cultural
829 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a
830 bona fide long-term lease or concession agreement, the original term of which was more than five years;
831 (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross
832 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic
833 beverages served on the premises that meet or exceed the monthly minimum established by Board
834 regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

835 e. Persons operating food concessions at any multipurpose theater located in the historical district of
836 the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity
837 and (ii) has a total capacity in excess of 100 patrons;

838 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
839 facility that has seating for more than 20,000 persons and is located in Prince William County or the
840 City of Virginia Beach;

841 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
842 facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City
843 of Portsmouth; or

844 h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax
845 County, provided that the corporate and performing arts facility (i) is occupied under a bona fide
846 long-term lease, management, or concession agreement, the original term of which was more than one
847 year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the
848 dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the
849 licensed premises approved by the Board.

850 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
851 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
852 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
853 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
854 beverage caterer at the same business premises designated in the license, with a common alcoholic
855 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
856 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
857 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to
858 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and

beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or

association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or

town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of

1043 wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day.
1044 The licensee may also give samples of wine and beer in designated areas at events held by the licensee
1045 for the purpose of featuring and educating the consuming public about the alcoholic beverages being
1046 tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale
1047 licensees or authorized representatives of such licensees may participate in such tastings, including the
1048 pouring of samples. The licensee shall comply with any food inventory and sales volume requirements
1049 established by Board regulation.

1050 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
1051 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
1052 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
1053 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

1054 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed
1055 premises for off-premises consumption confectionery that contains five percent or less alcohol by
1056 volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such
1057 confectionery is sold.

1058 D. The Board may grant the following banquet, special event, and tasting licenses:

1059 1. Per-day event licenses.

1060 a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit
1061 corporations or associations in charge of special events, which shall authorize the licensee to sell or give
1062 wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption
1063 in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers
1064 (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for
1065 off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no
1066 more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online
1067 meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to
1068 persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be
1069 required for each day of each banquet or special event. For the purposes of this subdivision, when the
1070 location named in the original application for a license is outdoors, the application may also name an
1071 alternative location in the event of inclement weather. However, no such license shall be required of any
1072 hotel, restaurant, or club holding a retail wine and beer license.

1073 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in
1074 charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for
1075 on-premises consumption in areas approved by the Board on the premises of the place designated in the
1076 license. A separate license shall be required for each day of each special event.

1077 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
1078 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members
1079 and their guests in areas approved by the Board on the club premises. A separate license shall be
1080 required for each day of each club event. No more than 12 such licenses shall be granted to a club in
1081 any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize
1082 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,
1083 the licensee shall be required to pay the local fee required for such additional license pursuant to
1084 § 4.1-233.1.

1085 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
1086 of the type specified in the license in designated areas at events held by the licensee. A tasting license
1087 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
1088 beverages being tasted. A separate license shall be required for each day of each tasting event. No
1089 tasting license shall be required for conduct authorized by § 4.1-201.1.

1090 2. Annual licenses.

1091 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
1092 membership organizations that are exempt from state and federal taxation and in charge of banquets
1093 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine
1094 and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such
1095 rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per
1096 calendar year. For the purposes of this subdivision, when the location named in the original application
1097 for a license is outdoors, the application may also name an alternative location in the event of inclement
1098 weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail
1099 wine and beer license.

1100 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services
1101 agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic
1102 beverages on the premises of the licensee by any person, and bona fide members and guests thereof,
1103 otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be
1104 purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the

premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such

customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. ~~Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.~~

§ 4.1-212.1. (Effective until July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any

provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by either (i) the owner or any officer, director, shareholder, or employee of the licensee or permittee or (ii) a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) (ii) display the name of the licensee from which the alcoholic beverages were purchased; (c) (iii) be clearly marked with the phrase "contains alcoholic beverages"; (d) (iv) in the case of wine, beer, or, if purchased from a mixed beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16 ounces per beverage; and (e) (v) during delivery, be stored (1) (a) in the trunk of the vehicle, (2) (b) in an area that is rear of the driver's seat, (3) (c) in a locked container or compartment, or (4) (d) in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (A) (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and (B) (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

G. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

1. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;

2. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer; and

3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered.

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board

regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.1. (Effective July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by ~~either (i)~~ the owner or any officer, director, shareholder, or employee of the licensee or permittee ~~or (ii) a third-party delivery licensee pursuant to § 4.1-212.2.~~ The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall ~~(a)~~ (i) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; ~~(b)~~ (ii) display the name of the licensee from which the wine or beer was purchased; ~~(c)~~ (iii) be clearly marked with the phrase "contains alcoholic beverages"; ~~(d)~~ (iv) have a maximum volume of 16 ounces per beverage; and ~~(e)~~ (v) during delivery, be stored ~~(1)~~ (a) in the trunk of the vehicle, ~~(2)~~ (b) in an area that is rear of the driver's seat, ~~(3)~~ (c) in a locked container or compartment, or ~~(4)~~ (d) in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(A)~~ (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(B)~~ (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of

Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this subtitle; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place, or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and beer shipper's licensees, ~~third-party delivery licensees~~, delivery permittees, or operators of boats, dining cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be \$15. The application fee for banquet special event and mixed beverage special event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on

1412 or before November 1 in any year in which the Board has decided to increase state license fees, and
1413 such increases shall become effective July 1 of the following year.

1414 **§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.**

1415 A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1416 1. Manufacturer licenses. For each:

1417 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits,
1418 or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons
1419 but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000
1420 gallons manufactured during such year, \$4,060;

1421 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
1422 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer
1423 manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels
1424 manufactured during such year, \$4,690;

1425 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
1426 license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

1427 d. Farm winery license, \$275 for any Class I or Class II license, \$500 for any Class III license, and
1428 \$4,000 for any Class IV license;

1429 e. Wine importer's license, \$460; and

1430 f. Beer importer's license, \$460.

1431 2. Wholesale licenses. For each:

1432 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
1433 less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
1434 year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

1435 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be
1436 the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
1437 license;

1438 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per
1439 year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
1440 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
1441 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons
1442 of wine per year; and

1443 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
1444 applicable to two or more premises, the annual state license tax shall be the amount set forth in
1445 subdivision b (1), multiplied by the number of separate locations covered by the license.

1446 3. Retail licenses — mixed beverage. For each:

1447 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
1448 located on premises of and operated by casinos, hotels or motels, or other persons:

1449 (1) With a seating capacity at tables for up to 100 persons, \$1,050;

1450 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

1451 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
1452 \$1,980;

1453 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
1454 \$2,500; and

1455 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

1456 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
1457 private, nonprofit clubs:

1458 (1) With an average yearly membership of not more than 200 resident members, \$1,250;

1459 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
1460 \$2,440; and

1461 (3) With an average yearly membership of more than 500 resident members, \$3,410;

1462 c. Mixed beverage casino license, \$3,100 plus an additional \$5 for each gaming station located on
1463 the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station"
1464 means each slot machine and each casino gaming table that is in active use, as determined annually on
1465 December 31;

1466 d. Mixed beverage caterer's license, \$1,990;

1467 e. Mixed beverage limited caterer's license, \$550;

1468 f. Mixed beverage carrier license:

1469 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
1470 the Commonwealth by a common carrier of passengers by train;

1471 (2) \$910 for each common carrier of passengers by boat;

1472 (3) \$520 for each common carrier of passengers by bus; and

1473 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;

- 1474 g. Annual mixed beverage motor sports facility license, \$630;
- 1475 h. Limited mixed beverage restaurant license:
- 1476 (1) With a seating capacity at tables for up to 100 persons, \$945;
- 1477 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
- 1478 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
- 1479 i. Annual mixed beverage performing arts facility license, \$630;
- 1480 j. Bed and breakfast license, \$100;
- 1481 k. Museum license, \$260;
- 1482 l. Motor car sporting event facility license, \$300;
- 1483 m. Commercial lifestyle center license, \$300;
- 1484 n. Mixed beverage port restaurant license, \$1,050; and
- 1485 o. Annual mixed beverage special events license, \$630.
- 1486 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
- 1487 license, \$450.
- 1488 5. Retail licenses — off-premises wine and beer. For each:
- 1489 a. Retail off-premises wine and beer license, \$300;
- 1490 b. Gourmet brewing shop license, \$320; and
- 1491 c. Confectionery license, \$170.
- 1492 6. Retail licenses — banquet, special event, and tasting licenses.
- 1493 a. Per-day event licenses. For each:
- 1494 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
- 1495 Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 1496 (2) Mixed beverage special events license, \$45 for each day of each event;
- 1497 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 1498 (4) Tasting license, \$40.
- 1499 b. Annual licenses. For each:
- 1500 (1) Annual banquet license, \$300;
- 1501 (2) Banquet facility license, \$260;
- 1502 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
- 1503 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1504 (4) Annual mixed beverage banquet license, \$630;
- 1505 (5) Equine sporting event license, \$300; and
- 1506 (6) Annual arts venue event license, \$300.
- 1507 7. Retail licenses — marketplace. For each marketplace license, \$1,000. However, if the license
- 1508 privileges are exercised during a period of six or less consecutive months and such period is specified
- 1509 prior to the beginning of the license year, the annual fee shall be \$500.
- 1510 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1511 a. Wine and beer shipper's license, \$230;
- 1512 b. Internet wine and beer retailer license, \$240;
- 1513 c. Bottler license, \$1,500;
- 1514 d. Fulfillment warehouse license, \$210; and
- 1515 e. Marketing portal license, \$285; and
- 1516 f. ~~Third-party delivery license, \$7,500, unless the licensee provides written certification to the Board~~
- 1517 ~~that the licensee has no more than 25 delivery personnel, including employees, agents, and independent~~
- 1518 ~~contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee~~
- 1519 ~~shall be \$2,500.~~
- 1520 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
- 1521 imposed by this section on the license for which the applicant applied.
- 1522 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be
- 1523 equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
- 1524 the number of months in the license period, and then increased by five percent. Such tax shall not be
- 1525 refundable, except as provided in § 4.1-232.
- 1526 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
- 1527 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
- 1528 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
- 1529 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
- 1530 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
- 1531 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining
- 1532 the liability of a wholesale wine distributor to merchants' license taxation, and in computing the
- 1533 wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases
- 1534 shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons manufactured during such year, \$4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such year, \$4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

d. Farm winery license, \$275 for any Class I or Class II license, \$500 for any Class III license, and \$4,000 for any Class IV license;

e. Wine importer's license, \$460; and

f. Beer importer's license, \$460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, \$1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, \$1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, \$2,440; and

(3) With an average yearly membership of more than 500 resident members, \$3,410;

c. Mixed beverage casino license, \$3,100 plus an additional \$5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, \$1,990;

e. Mixed beverage limited caterer's license, \$550;

f. Mixed beverage carrier license:

(1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) \$910 for each common carrier of passengers by boat;

(3) \$520 for each common carrier of passengers by bus; and

(4) \$2,360 for each license granted to a common carrier of passengers by airplane;

- 1597 g. Annual mixed beverage motor sports facility license, \$630;
 1598 h. Limited mixed beverage restaurant license:
 1599 (1) With a seating capacity at tables for up to 100 persons, \$945;
 1600 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
 1601 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
 1602 i. Annual mixed beverage performing arts facility license, \$630;
 1603 j. Bed and breakfast license, \$100;
 1604 k. Museum license, \$260;
 1605 l. Motor car sporting event facility license, \$300;
 1606 m. Commercial lifestyle center license, \$300;
 1607 n. Mixed beverage port restaurant license, \$1,050; and
 1608 o. Annual mixed beverage special events license, \$630.
 1609 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
 1610 license, \$450.
 1611 5. Retail licenses — off-premises wine and beer. For each:
 1612 a. Retail off-premises wine and beer license, \$300;
 1613 b. Gourmet brewing shop license, \$320; and
 1614 c. Confectionery license, \$170.
 1615 6. Retail licenses — banquet, special event, and tasting licenses.
 1616 a. Per-day event licenses. For each:
 1617 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
 1618 Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
 1619 (2) Mixed beverage special events license, \$45 for each day of each event;
 1620 (3) Mixed beverage club events license, \$35 for each day of each event; and
 1621 (4) Tasting license, \$40.
 1622 b. Annual licenses. For each:
 1623 (1) Annual banquet license, \$300;
 1624 (2) Banquet facility license, \$260;
 1625 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
 1626 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
 1627 (4) Annual mixed beverage banquet license, \$630;
 1628 (5) Equine sporting event license, \$300; and
 1629 (6) Annual arts venue event license, \$300.
 1630 7. Retail licenses — marketplace. For each marketplace license, \$1,000. However, if the license
 1631 privileges are exercised during a period of six or less consecutive months and such period is specified
 1632 prior to the beginning of the license year, the annual fee shall be \$500.
 1633 8. Retail licenses — shipper, bottler, and related licenses. For each:
 1634 a. Wine and beer shipper's license, \$230;
 1635 b. Internet wine and beer retailer license, \$240;
 1636 c. Bottler license, \$1,500;
 1637 d. Fulfillment warehouse license, \$210; and
 1638 e. Marketing portal license, \$285; and
 1639 f. ~~Third-party delivery license, \$7,500, unless the licensee provides written certification to the Board~~
 1640 ~~that the licensee has no more than 25 delivery personnel, including employees, agents, and independent~~
 1641 ~~contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee~~
 1642 ~~shall be \$2,500.~~
 1643 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
 1644 imposed by this section on the license for which the applicant applied.
 1645 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be
 1646 equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
 1647 the number of months in the license period, and then increased by five percent. Such tax shall not be
 1648 refundable, except as provided in § 4.1-232.
 1649 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
 1650 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
 1651 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
 1652 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
 1653 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
 1654 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining
 1655 the liability of a wholesale wine distributor to merchants' license taxation, and in computing the
 1656 wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases
 1657 shall be disregarded.

1658 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license
1659 purchased in person from the Board if such license is available for purchase online.
1660 2. That § 4.1-212.2 of the Code of Virginia is repealed.
1661 3. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the
1662 Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78
1663 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, are repealed.
1664 4. That the provisions of the first and second enactments of this act shall become effective on July
1665 1, 2026.
1666 5. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall convene a work
1667 group to review third-party delivery licenses. The work group shall (i) analyze compliance by
1668 third-party delivery licensees and delivery personnel with the provisions § 4.1-212.2 of the Code of
1669 Virginia, as repealed by this act, (ii) consider the results of no less than 200 decoy delivery
1670 operations conducted by the Authority and any other available data, (iii) identify and analyze the
1671 efficacy of strategies used by third-party delivery entities to prevent unlawful deliveries to persons
1672 younger than 21 years of age, (iv) review and compare the laws of other states regarding
1673 third-party delivery licenses, and (v) make recommendations regarding any legislative or
1674 regulatory changes that may be beneficial regarding third-party delivery licenses in the
1675 Commonwealth. The work group shall include representatives of third-party delivery licensees,
1676 representatives of retail licensees, and any other stakeholders deemed relevant by the Authority.
1677 The work group shall meet no less than three times and submit a report of its findings and
1678 recommendations, including all relevant data obtained, to the Chairmen of the House Committee
1679 on General Laws and the Senate Committee on Rehabilitation and Social Services by November
1680 15, 2024.