

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-111, 4.1-114, 4.1-119, as it is
 2 currently effective and as it shall become effective, 4.1-124, as it is currently effective and as it
 3 shall become effective, 4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1,
 4 4.1-211, 4.1-212, 4.1-212.1, 4.1-215, 4.1-221.1, as it is currently effective and as it shall become
 5 effective, 4.1-223, 4.1-225.1, 4.1-227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-
 6 325.1, 4.1-325.2, 4.1-327, 15.2-912.3, 15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-
 7 339.12, and 58.1-609.3 of the Code of Virginia; to amend the Code of Virginia by adding sections
 8 numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1; and to repeal §§ 4.1-206, 4.1-
 9 207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of Virginia, relating
 10 to alcoholic beverage control; license consolidation and fee restructure; sample limits.

11 **Be it enacted by the General Assembly of Virginia:**

12 **1. That §§ 3.2-102, 3.2-5115, 4.1-100, 4.1-103, 4.1-111, 4.1-114, 4.1-119, as it is currently effective**
 13 **and as it shall become effective, 4.1-124, as it is currently effective and as it shall become effective,**
 14 **4.1-132, 4.1-201, 4.1-201.1, 4.1-203, 4.1-204, 4.1-205, 4.1-209, 4.1-209.1, 4.1-211, 4.1-212, 4.1-212.1,**
 15 **4.1-215, 4.1-221.1, as it is currently effective and as it shall become effective, 4.1-223, 4.1-225.1, 4.1-**
 16 **227, 4.1-230, 4.1-232, 4.1-238, 4.1-310, 4.1-310.1, 4.1-325, 4.1-325.1, 4.1-325.2, 4.1-327, 15.2-912.3,**
 17 **15.2-2288.3, 15.2-2288.3:1, 15.2-2288.3:2, 40.1-100, 58.1-339.12, and 58.1-609.3 of the Code of**
 18 **Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections**
 19 **numbered 4.1-206.1, 4.1-206.2, 4.1-206.3, 4.1-231.1, and 4.1-233.1 as follows:**

20 **§ 3.2-102. General powers and duties of the Commissioner.**

21 A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers
 22 and duties herein provided, and such other powers and duties as may be prescribed by law, including those
 23 prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are
 24 carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor
 25 expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the

26 agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain
27 programs within the Department including those that promote the development and marketing of the
28 Commonwealth's agricultural products in domestic and international markets, including promotions,
29 market development and research, marketing assistance, market information, and product grading and
30 certification; promote the creation of new agribusiness including new crops, biotechnology and new uses
31 of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop,
32 promote, and maintain consumer protection programs that protect the safety and quality of the
33 Commonwealth's food supply through food and dairy inspection activities, industry and consumer
34 education, and information on food safety; preserve the Commonwealth's agricultural lands; ensure animal
35 health and protect the Commonwealth's livestock industries through disease control and surveillance,
36 maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of
37 animals; protect public health and the environment through regulation and proper handling of pesticides,
38 agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant
39 health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans
40 and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal
41 diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to
42 natural disasters; develop and implement programs and inspection activities to ensure that the
43 Commonwealth's agricultural products move freely in trade domestically and internationally; and enter
44 into agreements with federal, state, and local governments, land grant universities, and other organizations
45 that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

46 B. In addition, the Commissioner shall:

47 1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate
48 and promote the purchase of Virginia farm products by schools, universities, and other educational
49 institutions under the jurisdiction of the State Department of Education. The website shall present such
50 current information as the availability of Virginia farm products, including the types and amount of
51 products, and the names of and contact information for farmers, farm organizations, and businesses
52 marketing such products; and

53 2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.)
 54 of Title 13.1 as a public instrumentality exercising public and essential governmental functions to
 55 promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in §
 56 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm
 57 wineries licensed in accordance with ~~§ 4.1-207~~ 4.1-206.1. The board of directors of such corporation shall
 58 be composed of the Commissioner and four members appointed by the Board, including one owner or
 59 manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager
 60 is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no
 61 more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making
 62 appointments to the board of directors, the Board shall consider nominations of winery and farm winery
 63 licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the
 64 Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to
 65 him at least annually on its activities, including reporting the quantity of wine distributed for each winery
 66 and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall
 67 not apply to the establishment of such corporation nor to the exercise of any of its powers granted under
 68 this section.

69 **§ 3.2-5115. Animals.**

70 No animal shall be permitted in any area used for the manufacture or storage of food products. A
 71 guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in
 72 contamination of food, food contact surfaces, or food packaging materials. Additionally, a dog may be
 73 allowed within a designated area inside or on the premises of, except in any area used for the manufacture
 74 of food products, a distillery licensed pursuant to ~~§ 4.1-206~~, a winery or farm winery licensed pursuant
 75 to ~~§ 4.1-207~~, or a brewery, or farm limited brewery licensed pursuant to ~~§ 4.1-208~~ 4.1-206.1.

76 **§ 4.1-100. Definitions.**

77 As used in this title unless the context requires a different meaning:

78 "Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any
 79 fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl

80 alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with
81 formulas approved by the government of the United States.

82 "Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic
83 beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption
84 by inhalation.

85 "Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such
86 varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic
87 beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine,
88 or beer and capable of being consumed by a human being. Any liquid or solid containing more than one
89 of the four varieties shall be considered as belonging to that variety which has the higher percentage of
90 alcohol, however obtained, according to the order in which they are set forth in this definition; except that
91 beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing
92 alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived
93 from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an
94 alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content
95 of more than six percent by volume, as long as no more than one and one-half percent of the volume of
96 the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients
97 containing alcohol.

98 ~~"Art instruction studio" means any commercial establishment that provides to its customers all~~
99 ~~required supplies and step-by-step instruction in creating a painting or other work of art during a studio~~
100 ~~instructional session.~~

101 "Arts venue" means a commercial or nonprofit establishment that is open to the public and in
102 which works of art are sold or displayed.

103 "Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this
104 title.

105 "Barrel" means any container or vessel having a capacity of more than 43 ounces.

106 "Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms;
107 (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii)
108 offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight
109 lodging is provided. For purposes of the licensing requirements of this title, "bed and breakfast
110 establishment" includes any property offered to the public for short-term rental, as that term is defined in
111 § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each
112 person to whom overnight lodging is provided.

113 "Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of
114 barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent
115 or more of alcohol by volume.

116 ~~"Bespoke clothier establishment" means a permanent retail establishment that offers, by~~
117 ~~appointment only, custom made apparel and that offers a membership program to customers. Such~~
118 ~~establishment shall be a permanent structure where measurements and fittings are performed on site but~~
119 ~~apparel is produced offsite and delivered directly to the customer. Such establishment shall have facilities~~
120 ~~to properly secure any stock of alcoholic beverages.~~

121 "Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

122 "Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43
123 ounces.

124 ~~"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats~~
125 ~~for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to~~
126 ~~33 U.S.C. § 59ii.~~

127 "Club" means any private nonprofit corporation or association which is the owner, lessee, or
128 occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other
129 like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also
130 means the establishment so operated. A corporation or association shall not lose its status as a club because
131 of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter
132 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic

133 beverages are served or consumed in the room where such charitable gaming is being conducted while
134 such gaming is being conducted and that no alcoholic beverages are made available upon the premises to
135 any person who is neither a member nor a bona fide guest of a member.

136 Any such corporation or association which has been declared exempt from federal and state income
137 taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit
138 corporation or association.

139 "Commercial lifestyle center" means a mixed-use commercial development covering a minimum
140 of 25 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain
141 stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a
142 physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial
143 owners' association that is responsible for the management, maintenance, and operation of the common
144 areas thereof.

145 "Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding
146 alcoholic beverages.

147 "Contract winemaking facility" means the premises of a licensed winery or farm winery that
148 obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and
149 crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an
150 agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract
151 winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm
152 winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine.
153 The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of
154 payment have not been fulfilled in accordance with the contract. The contract winemaking facility may
155 charge the farm winery for its services.

156 "Convenience grocery store" means an establishment which (i) has an enclosed room in a
157 permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible
158 items intended for human consumption consisting of a variety of such items of the types normally sold in
159 grocery stores.

160 ~~"Coworking establishment" means a facility that has at least 100 members, a majority of whom~~
161 ~~are 21 years of age or older, to whom it offers shared office space and related amenities, including desks,~~
162 ~~conference rooms, Internet access, printers, copiers, telephones, and fax machines.~~

163 ~~"Day spa" means any commercial establishment that offers to the public both massage therapy,~~
164 ~~performed by persons licensed in accordance with § 54.1-3029, and barbering or cosmetology services~~
165 ~~performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.~~

166 "Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring
167 little preparation such as cheeses, salads, cooked meats, and related condiments.

168 "Designated area" means a room or area approved by the Board for on-premises licensees.

169 "Dining area" means a public room or area in which meals are regularly served.

170 "Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist
171 pursuant to a prescription and other medicines and items for home and general use.

172 "Establishment" means any place where alcoholic beverages of one or more varieties are lawfully
173 manufactured, sold, or used.

174 "Farm winery" means (i) an establishment (a) located on a farm in the Commonwealth on land
175 zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for
176 fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains
177 not more than 21 percent alcohol by volume or (b) located in the Commonwealth on land zoned
178 agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing
179 grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for
180 fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains
181 not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher
182 education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine
183 manufactured by the institution shall be used solely for research and educational purposes, (c) the wine
184 manufactured by the institution shall be stored on the premises of such farm winery that shall be separate
185 and apart from all other facilities of the institution, and (d) such farm winery is operated in strict
186 conformance with the requirements of this clause (ii) and Board regulations. As used in this definition,

187 the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the
188 purpose of manufacturing wine. In the event that such cooperative is licensed as a farm winery, the term
189 "farm" as used in this definition includes all of the land owned or leased by the individual members of the
190 cooperative as long as such land is located in the Commonwealth. For purposes of this definition, "land
191 zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise
192 permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does
193 not include land zoned "residential conservation." Except for the limitation on land zoned "residential
194 conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local
195 zoning authority.

196 "Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs,
197 specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral
198 arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure
199 where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine
200 or beer. Such shop may be located (i) on the premises or grounds of a government registered national,
201 state or local historic building or site or (ii) within the premises of a museum. The Board shall consider
202 the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered
203 a gift shop.

204 "Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer
205 may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such
206 persons facilities for manufacturing, fermenting and bottling such wine or beer.

207 "Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial
208 marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for
209 consumption on the premises, and (iii) offers to the public events for the purpose of featuring and
210 educating the consuming public about local oysters and other seafood products.

211 "Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage
212 facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and

213 beers of various types and sizes and related products such as cheeses and gourmet foods are habitually
214 furnished to persons.

215 "Government store" means a store established by the Authority for the sale of alcoholic beverages.

216 "Grocery store" means an establishment that sells food and other items intended for human
217 consumption, including a variety of ingredients commonly used in the preparation of meals.

218 "Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3)
219 of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of
220 showing motion pictures to the public.

221 "Hotel" means any duly licensed establishment, provided with special space and accommodation,
222 where, in consideration of payment, food and lodging are habitually furnished to persons, and which has
223 four or more bedrooms. It shall also mean the person who operates such hotel.

224 "Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order
225 pursuant to this title.

226 "Internet wine and beer retailer" means a person who owns or operates an establishment with
227 adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or
228 telephone orders are taken and shipped directly to consumers and which establishment is not a retail store
229 open to the public.

230 ~~"Internet wine retailer" means a person who owns or operates an establishment with adequate~~
231 ~~inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders~~
232 ~~are taken and shipped directly to consumers and which establishment is not a retail store open to the public.~~

233 "Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to
234 observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

235 "Licensed" means the holding of a valid license granted by the Authority.

236 "Licensee" means any person to whom a license has been granted by the Authority.

237 "Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an
238 alcohol content of 25 percent by volume.

239 (Effective until July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of
240 one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by
241 volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it
242 may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar
243 products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated
244 as wine for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by
245 a licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities
246 that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol
247 beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

248 (Effective July 1, 2020) "Low alcohol beverage cooler" means a drink containing one-half of one
249 percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume,
250 and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also
251 contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products
252 manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine
253 for all purposes of this title, except that low alcohol beverage coolers (i) may be manufactured by a
254 licensed distiller or a distiller located outside the Commonwealth and (ii) shall not be sold in localities
255 that prohibit the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers
256 shall not be sold for on-premises consumption other than by mixed beverage licensees.

257 "Marina store" means an establishment that is located on the same premises as a marina, is operated
258 by the owner of such marina, and sells food, nautical, and fishing supplies.

259 ~~"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-~~
260 ~~premises consumption, ingredients for the preparation of meals and entrees in professional kitchen~~
261 ~~facilities located at the establishment.~~

262 "Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona
263 fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments
264 specializing in full course meals with a single substantial entree.

265 ~~"Member of a bespoke clothier establishment" means a person who maintains a membership in the~~
266 ~~bespoke clothier establishment for a period of not less than one month by the payment of monthly,~~
267 ~~quarterly, or annual dues in the manner established by the rules of the bespoke clothier establishment. The~~
268 ~~minimum membership fee shall be not less than \$25 for any term of membership.~~

269 "Member of a club" means (i) a person who maintains his membership in the club by the payment
270 of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii)
271 a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal
272 descendants of a bona fide member, whether alive or deceased, of a national or international organization
273 to which an individual lodge holding a club license is an authorized member in the same locality. It shall
274 also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of
275 resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

276 ~~"Member of a coworking establishment" means a person who maintains a membership in the~~
277 ~~coworking establishment for a period of not less than one month by the payment of monthly, quarterly, or~~
278 ~~annual dues in the manner established by the rules of the coworking establishment. "Member of a~~
279 ~~coworking establishment" does not include an employee or any person with an ownership interest in the~~
280 ~~coworking establishment.~~

281 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of
282 spirits.

283 "Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring
284 materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or
285 preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or
286 not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed
287 by a Virginia corporation.

288 "Municipal golf course" means any golf course that is owned by any town incorporated in 1849
289 and which is the county seat of Smyth County.

290 "Place or premises" means the real estate, together with any buildings or other improvements
291 thereon, designated in the application for a license as the place at which the manufacture, bottling,

292 distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building
293 or other improvement actually and exclusively used as a private residence.

294 "Principal stockholder" means any person who individually or in concert with his spouse and
295 immediate family members beneficially owns or controls, directly or indirectly, five percent or more of
296 the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse
297 and immediate family members has the power to vote or cause the vote of five percent or more of any
298 such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the
299 Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial
300 markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

301 "Public place" means any place, building, or conveyance to which the public has, or is permitted
302 to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels,
303 and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any
304 highway, street, or lane.

305 "Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for
306 private meetings or private parties limited in attendance to members and guests of a particular group,
307 association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or
308 similar facilities while such restaurant is closed to the public and in use for private meetings or parties
309 limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such
310 building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in
311 use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner
312 or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which
313 are not licensed by the Board and on which alcoholic beverages are not sold.

314 "Residence" means any building or part of a building or structure where a person resides, but does
315 not include any part of a building which is not actually and exclusively used as a private residence, nor
316 any part of a hotel or club other than a private guest room thereof.

317 "Resort complex" means a facility (i) with a hotel owning year-round sports and recreational
318 facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable

319 corporation with voluntary membership which, as its primary function, makes available golf, ski and other
320 recreational facilities both to its members and the general public. The hotel or corporation shall have a
321 minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority
322 may consider the purpose, characteristics, and operation of the applicant establishment in determining
323 whether it shall be considered as a resort complex. All other pertinent qualifications established by the
324 Board for a hotel operation shall be observed by such licensee.

325 "Restaurant" means, for a ~~beer, or~~ wine and beer license or a limited mixed beverage restaurant
326 license, any establishment provided with special space and accommodation, where, in consideration of
327 payment, meals or other foods prepared on the premises are regularly sold.

328 "Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant
329 license, an established place of business (i) where meals with substantial entrees are regularly sold and
330 (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals
331 for consumption at tables in dining areas on the premises, and includes establishments specializing in full
332 course meals with a single substantial entree.

333 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for
334 sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic
335 beverages.

336 "Sangria" means a drink consisting of red or white wine mixed with some combination of
337 sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other
338 similar spirits.

339 "Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom
340 the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

341 "Special event" means an event sponsored by a duly organized nonprofit corporation or association
342 and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

343 "Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable
344 water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin,

345 or any one or more of the last four named ingredients, but shall not include any such liquors completely
346 denatured in accordance with formulas approved by the United States government.

347 "Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural
348 sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either
349 with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no
350 product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in
351 the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed
352 an alcohol content of 21 percent by volume.

353 "Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume,
354 and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting
355 of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain
356 water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar
357 products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice
358 beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

359 "With or without meals" means the selling and serving of alcoholic beverages by retail licensees
360 for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio
361 required by ~~§ 4.1-210~~ 4.1-206.3, or the monthly food sale requirement established by Board regulation, is
362 met by such retail licensee.

363 **§ 4.1-103. General powers of Board.**

364 The Board shall have the power to:

- 365 1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
- 366 2. Adopt, use, and alter at will a common seal;
- 367 3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of,
368 the sale of products of, or services rendered by the Authority at rates to be determined by the Authority
369 for the purpose of providing for the payment of the expenses of the Authority;

370 4. Make and enter into all contracts and agreements necessary or incidental to the performance of
371 its duties, the furtherance of its purposes, and the execution of its powers under this title, including
372 agreements with any person or federal agency;

373 5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial
374 experts, investment bankers, superintendents, managers, and such other employees and special agents as
375 may be necessary and fix their compensation to be payable from funds made available to the Authority.
376 Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5
377 (§ 2.2-500 et seq.) of Title 2.2;

378 6. Receive and accept from any federal or private agency, foundation, corporation, association, or
379 person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive
380 and accept from the Commonwealth or any state and any municipality, county, or other political
381 subdivision thereof or from any other source aid or contributions of either money, property, or other things
382 of value, to be held, used, and applied only for the purposes for which such grants and contributions may
383 be made. All federal moneys accepted under this section shall be accepted and expended by the Authority
384 upon such terms and conditions as are prescribed by the United States and as are consistent with state law,
385 and all state moneys accepted under this section shall be expended by the Authority upon such terms and
386 conditions as are prescribed by the Commonwealth;

387 7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its
388 business shall be transacted and the manner in which the powers of the Authority shall be exercised and
389 its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority
390 to any officer or employee of the Authority. The Board shall remain responsible for the performance of
391 any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be
392 accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate,
393 the guidelines shall require that the Board receive summaries of actions taken. Such delegation or
394 assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties
395 and tasks;

- 396 8. Conduct or engage in any lawful business, activity, effort, or project consistent with the
397 Authority's purposes or necessary or convenient to exercise its powers;
- 398 9. Develop policies and procedures generally applicable to the procurement of goods, services,
399 and construction, based upon competitive principles;
- 400 10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43
401 of Title 2.2;
- 402 11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm
403 wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its
404 possession for sale;
- 405 12. Buy and sell any mixers;
- 406 13. Buy and sell products licensed by the Virginia Tourism Corporation that are within
407 international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares
408 and glass), and 25 (clothing);
- 409 14. Control the possession, sale, transportation and delivery of alcoholic beverages;
- 410 15. Determine, subject to § 4.1-121, the localities within which government stores shall be
411 established or operated and the location of such stores;
- 412 16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic
413 beverages to and from such warehouses;
- 414 17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or
415 mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes
416 of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest
417 therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease
418 as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein,
419 at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and
420 on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property,
421 real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the

422 Authority on such terms and conditions as may be determined by the Board; and occupy and improve any
423 land or building required for the purposes of this title;

424 18. Purchase or otherwise acquire title to any land or building required for the purposes of this title
425 and sell and convey the same by proper deed, ~~with the consent of the Governor;~~

426 19. Purchase, lease, or acquire the use of, by any manner, any plant or equipment which may be
427 considered necessary or useful in carrying into effect the purposes of this title, including rectifying,
428 blending and processing plants. The Board may purchase, build, lease, and operate distilleries and
429 manufacture alcoholic beverages;

430 20. Determine the nature, form and capacity of all containers used for holding alcoholic beverages
431 to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed
432 thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or
433 crystalline alcohol;

434 21. Appoint every agent and employee required for its operations; require any or all of them to
435 give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the
436 services of experts and professionals;

437 22. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the
438 production of records, memoranda, papers and other documents before the Board or any agent of the
439 Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member
440 or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony
441 thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved.
442 The Board may enter into consent agreements and may request and accept from any applicant or licensee
443 a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary
444 action. Any such consent agreement shall include findings of fact and may include an admission or a
445 finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall
446 not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et
447 seq.), but may be considered by the Board in future disciplinary proceedings;

448 23. Make a reasonable charge for preparing and furnishing statistical information and compilations
449 to persons other than (i) officials, including court and police officials, of the Commonwealth and of its
450 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal
451 interest in obtaining the information requested if such information is not to be used for commercial or
452 trade purposes;

453 24. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.)
454 and § 4.1-111;

455 25. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation,
456 and sale of alcoholic beverages;

457 26. Assess and collect civil penalties and civil charges for violations of this title and Board
458 regulations;

459 27. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

460 28. Establish minimum food sale requirements for all retail licensees;

461 29. Review and approve any proposed legislative or regulatory changes suggested by the Chief
462 Executive Officer as the Board deems appropriate;

463 30. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-
464 enforcement activities undertaken to enforce the provisions of this title; ~~and~~

465 31. Establish and collect fees for all permits set forth in this title, including fees associated with
466 applications for such permits; and

467 32. Do all acts necessary or advisable to carry out the purposes of this title.

468 **§ 4.1-111. Regulations of Board.**

469 A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general
470 laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to prevent
471 the illegal manufacture, bottling, sale, distribution and transportation of alcoholic beverages. The Board
472 may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in
473 accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

474 B. The Board shall promulgate regulations that:

475 1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or
476 consumed on any licensed premises, including a provision that mixed beverages may be sold only at such
477 times as wine and beer may be sold.

478 2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be
479 served by such licensee.

480 3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers,
481 brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established
482 trade customs, quantity and value of the articles or services involved; prevent undue competitive
483 domination of any person by any other person engaged in the manufacture, distribution and sale at retail
484 or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of
485 arm's length business transactions.

486 4. Establish requirements for the form, content, and retention of all records and accounts, including
487 the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in
488 kegs, by all licensees.

489 5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer
490 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the
491 address on record with the Board by certified mail, return receipt requested, and by regular mail.

492 6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage
493 spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with
494 the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the
495 manufacturers' seals, marks, or stamps affixed to the bottles are intact.

496 7. Prescribe the terms and conditions under which credit or debit cards may be accepted from
497 licensees for purchases at government stores, including provision for the collection, where appropriate, of
498 related fees, penalties, and service charges.

499 8. Require that banquet licensees in charge of public events as defined by Board regulations report
500 to the Board the income and expenses associated with the public event on a form prescribed by the Board
501 when the banquet licensee engages another person to organize, conduct or operate the event on behalf of

502 the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages
503 are being sold.

504 9. Provide alternative methods for licensees to maintain and store business records that are subject
505 to Board inspection, including methods for Board-approved electronic and off-site storage.

506 10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing
507 one-half of one percent or more of alcohol by volume in the same location where wine and beer are
508 available for sale within the licensed premises.

509 11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store,
510 and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20
511 liters.

512 12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant
513 to subsection C of § 4.1-232.

514 13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic
515 beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or
516 otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may
517 not be lawfully sold. Such regulations shall:

518 a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with
519 (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale
520 licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of
521 wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the
522 general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and
523 retail licensees as set forth in Board regulation; and

524 b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this title and (ii) the
525 display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under
526 Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as
527 defined in § 55.1-1100, but only in accordance with this title.

528 14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer
529 pursuant to an agreement with a brand owner not under common control with the manufacturing brewery
530 and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the
531 brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement
532 be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the
533 parties.

534 15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations
535 shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy
536 hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees
537 from using creative marketing techniques in such advertisements, provided that such techniques do not
538 tend to induce overconsumption or consumption by minors.

539 16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one
540 bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals
541 to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period
542 and subject to any Board limitations on the frequency of such gifts.

543 17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of
544 glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved
545 by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

546 18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass,
547 ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the
548 Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine
549 growlers may be used only by persons licensed to sell wine for both on-premises and off-premises
550 consumption or by ~~gourmet-shop licensees~~ shops granted a retail off-premises wine and beer license.
551 Growlers sold by ~~gourmet-shop licensees~~ shops shall be labeled with (i) the manufacturer's name or trade
552 name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of
553 the retailer.

554 19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-
555 premises and off-premises consumption, or by ~~gourmet-shop licensees~~ shops granted a retail off-premises
556 wine and beer license for off-premises consumption in sealed containers made of metal or other materials
557 approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one
558 liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

559 20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic
560 beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations
561 established by the Board.

562 21. Establish and make available to all licensees and permittees for which on-premises
563 consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve
564 as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar
565 bystander training module, which shall include (i) information that enables licensees, permittees, and their
566 employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent
567 such situations from culminating in sexual assault.

568 22. Require mixed beverage licensees to have food, cooked or prepared on the licensed premises,
569 available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such
570 food shall be available in all areas of the licensed premises in which spirits are sold or served.

571 23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed
572 beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or
573 other documents necessary to verify the licensee's compliance with applicable minimum food sale
574 requirements within 30 days of the date such records or documents are due.

575 C. The Board may promulgate regulations that:

576 1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to
577 be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit
578 status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the
579 purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-
580 profit status. The granting of such waiver shall be limited to two events per year for each applicant.

581 2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the
582 course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-
583 325.2.

584 3. Provide incentives to licensees with a proven history of compliance with state and federal laws
585 and regulations to encourage licensees to conduct their business and related activities in a manner that is
586 beneficial to the Commonwealth.

587 D. Board regulations shall be uniform in their application, except those relating to hours of sale
588 for licensees.

589 E. Courts shall take judicial notice of Board regulations.

590 F. The Board's power to regulate shall be broadly construed.

591 **§ 4.1-114. Annual review of operations of certain mixed beverage licensees.**

592 The Board shall at least annually review the operations of each establishment holding a mixed
593 beverage restaurant license and each person holding a caterer's license to determine whether during the
594 preceding license year such licensee has met the food-beverage ratio required by ~~§ 4.1-210~~ 4.1-206.3. If
595 not met, the license granted to such licensee may be suspended or revoked. If the license is revoked, no
596 new license may be granted to the licensee with respect to such establishment or catering business for at
597 least one year from the date of the revocation. For the purposes of this section and ~~§ 4.1-210~~ 4.1-206.3,
598 "nonalcoholic beverage" shall not include any beverages, ice, water or other mixer served with an
599 alcoholic beverage.

600 **§ 4.1-119. (Effective until July 1, 2020) Operation of government stores.**

601 A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and
602 operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by
603 farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled
604 spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be
605 approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as
606 specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board
607 may discontinue any such store.

608 B. With respect to the sale of wine or cider produced by farm wineries, the Board may give
609 preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

610 C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and
611 brands of alcoholic beverages and other Board-approved products that are sold in government stores.
612 Differences in the cost of operating stores, and market competition and conditions may be reflected in the
613 sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to
614 federal instrumentalities (i) authorized and operating under the laws of the United States and regulations
615 of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or
616 reservations over which the United States has acquired jurisdiction, at prices which may be greater or less
617 than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed
618 to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores,
619 which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

620 D. Alcoholic beverages at government stores shall be sold by employees of the Authority who
621 shall carry out the provisions of this title and Board regulations governing the operation of government
622 stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's
623 license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage
624 coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government
625 stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed
626 by the Board and conducted for the purpose of featuring and educating the consuming public about spirits
627 products.

628 Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the
629 provisions of this title, Board regulations, and the terms of the agency agreement between the Authority
630 and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an
631 agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the
632 goods sold.

633 For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries
634 and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of §

635 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor
636 of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving
637 distillery.

638 E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without
639 distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151
640 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

641 F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to
642 subsection G sold in government stores established by the Board on a distiller's licensed premises, shall
643 be in closed containers, sealed and affixed with labels prescribed by the Board.

644 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
645 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
646 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
647 permit issued by the Board pursuant to subdivision A-~~15~~14 of § 4.1-212, at which the samples of alcoholic
648 beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A
649 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not
650 lawfully be sold pursuant to § 4.1-304.

651 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
652 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
653 beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or
654 cider samples are manufactured within the same licensed premises or on contiguous premises of such
655 agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer,
656 two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case
657 a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total
658 samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of
659 spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used
660 to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from
661 serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits

662 or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed
663 distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the
664 licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed
665 pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or
666 vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery.
667 Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on
668 contiguous premises of the licensed distillery shall be purchased from the Board.

669 The Board shall establish guidelines governing tasting events conducted pursuant to this
670 subsection.

671 H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in
672 payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or
673 check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii)
674 provide notice to licensees on Board policies relating to the assignment of government stores from which
675 licensees may purchase products and any procedure for the licensee to elect to make purchases from an
676 alternative government store.

677 I. With respect to purchases by consumers at government stores, the Authority shall accept cash in
678 payment for any purchase or series of purchases. The Board may adopt regulations which provide for
679 accepting a credit card or debit card as payment. Such regulations may provide for the collection, where
680 appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any
681 consumer.

682 J. Before the Authority implements any increase in the markup on distilled spirits or any change
683 to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the
684 retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public
685 notice before such a price increase takes effect; (ii) provide the opportunity for submission of written
686 comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of
687 receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal
688 comments before implementing such a price increase.

689 § 4.1-119. (Effective July 1, 2020, until July 1, 2022) Operation of government stores.

690 A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and
691 operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by
692 farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled
693 spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be
694 approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as
695 specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board
696 may discontinue any such store.

697 B. With respect to the sale of wine or cider produced by farm wineries, the Board may give
698 preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

699 C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and
700 brands of alcoholic beverages and other Board-approved products that are sold in government stores.
701 Differences in the cost of operating stores, and market competition and conditions may be reflected in the
702 sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to
703 federal instrumentalities (i) authorized and operating under the laws of the United States and regulations
704 of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or
705 reservations over which the United States has acquired jurisdiction, at prices which may be greater or less
706 than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed
707 to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores,
708 which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

709 D. Alcoholic beverages at government stores shall be sold by employees of the Authority who
710 shall carry out the provisions of this title and Board regulations governing the operation of government
711 stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's
712 license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage
713 coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government
714 stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed

715 by the Board and conducted for the purpose of featuring and educating the consuming public about spirits
716 products.

717 Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the
718 provisions of this title, Board regulations, and the terms of the agency agreement between the Authority
719 and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an
720 agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the
721 goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted
722 electronically and through other methods approved by the Board and (b) notwithstanding the provisions
723 of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and
724 markups.

725 For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries
726 and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of §
727 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor
728 of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving
729 distillery.

730 E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without
731 distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151
732 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

733 F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to
734 subsection G sold in government stores established by the Board on a distiller's licensed premises, shall
735 be in closed containers, sealed and affixed with labels prescribed by the Board.

736 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
737 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
738 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
739 permit issued by the Board pursuant to subdivision ~~A-15~~14 of § 4.1-212, at which the samples of alcoholic
740 beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A

741 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not
742 lawfully be sold pursuant to § 4.1-304.

743 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
744 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
745 beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or
746 cider samples are manufactured within the same licensed premises or on contiguous premises of such
747 agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer,
748 two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case
749 a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total
750 samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of
751 spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used
752 to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from
753 serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits
754 or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed
755 distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the
756 licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed
757 pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or
758 vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery.
759 Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on
760 contiguous premises of the licensed distillery shall be purchased from the Board.

761 The Board shall establish guidelines governing tasting events conducted pursuant to this
762 subsection.

763 Any case fee charged to a licensed distiller by the Board for moving spirits from the production
764 and bailment area to the tasting area of a government store established by the Board on the distiller's
765 licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

766 H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in
767 payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or

768 check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii)
769 provide notice to licensees on Board policies relating to the assignment of government stores from which
770 licensees may purchase products and any procedure for the licensee to elect to make purchases from an
771 alternative government store.

772 I. With respect to purchases by consumers at government stores, the Authority shall accept cash in
773 payment for any purchase or series of purchases. The Board may adopt regulations which provide for
774 accepting a credit card or debit card as payment. Such regulations may provide for the collection, where
775 appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any
776 consumer.

777 J. Before the Authority implements any increase in the markup on distilled spirits or any change
778 to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the
779 retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public
780 notice before such a price increase takes effect; (ii) provide the opportunity for submission of written
781 comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of
782 receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal
783 comments before implementing such a price increase.

784 **§ 4.1-119. (Effective July 1, 2022) Operation of government stores.**

785 A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and
786 operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by
787 farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled
788 spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be
789 approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as
790 specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board
791 may discontinue any such store.

792 B. With respect to the sale of wine or cider produced by farm wineries, the Board may give
793 preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

794 C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and
795 brands of alcoholic beverages and other Board-approved products that are sold in government stores.
796 Differences in the cost of operating stores, and market competition and conditions may be reflected in the
797 sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to
798 federal instrumentalities (i) authorized and operating under the laws of the United States and regulations
799 of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or
800 reservations over which the United States has acquired jurisdiction, at prices which may be greater or less
801 than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed
802 to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores,
803 which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

804 D. Alcoholic beverages at government stores shall be sold by employees of the Authority who
805 shall carry out the provisions of this title and Board regulations governing the operation of government
806 stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's
807 license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage
808 coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government
809 stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed
810 by the Board and conducted for the purpose of featuring and educating the consuming public about spirits
811 products.

812 Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the
813 provisions of this title, Board regulations, and the terms of the agency agreement between the Authority
814 and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an
815 agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the
816 goods sold. Monthly revenue transfers from the licensed distiller to the Board (a) may be submitted
817 electronically and through other methods approved by the Board and (b) notwithstanding the provisions
818 of §§ 2.2-1802 and 4.1-116, shall be limited to the amount due to the Board in applicable taxes and
819 markups.

820 For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries
821 and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of §
822 4.1-201 to be (a)(1) additionally aged by the receiving distillery in order to increase the quality and flavor
823 of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving
824 distillery.

825 E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without
826 distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101
827 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

828 F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to
829 subsection G sold in government stores established by the Board on a distiller's licensed premises, shall
830 be in closed containers, sealed and affixed with labels prescribed by the Board.

831 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
832 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
833 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
834 permit issued by the Board pursuant to subdivision ~~A-15~~ 14 of § 4.1-212, at which the samples of alcoholic
835 beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A
836 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not
837 lawfully be sold pursuant to § 4.1-304.

838 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
839 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
840 beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or
841 cider samples are manufactured within the same licensed premises or on contiguous premises of such
842 agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer,
843 two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case
844 a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than four total
845 samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of
846 spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used

847 to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from
848 serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits
849 or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed
850 distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the
851 licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed
852 pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or
853 vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery.
854 Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on
855 contiguous premises of the licensed distillery shall be purchased from the Board.

856 The Board shall establish guidelines governing tasting events conducted pursuant to this
857 subsection.

858 Any case fee charged to a licensed distiller by the Board for moving spirits from the production
859 and bailment area to the tasting area of a government store established by the Board on the distiller's
860 licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

861 H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in
862 payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or
863 check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii)
864 provide notice to licensees on Board policies relating to the assignment of government stores from which
865 licensees may purchase products and any procedure for the licensee to elect to make purchases from an
866 alternative government store.

867 I. With respect to purchases by consumers at government stores, the Authority shall accept cash in
868 payment for any purchase or series of purchases. The Board may adopt regulations which provide for
869 accepting a credit card or debit card as payment. Such regulations may provide for the collection, where
870 appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any
871 consumer.

872 J. Before the Authority implements any increase in the markup on distilled spirits or any change
873 to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the

874 retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public
 875 notice before such a price increase takes effect; (ii) provide the opportunity for submission of written
 876 comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of
 877 receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal
 878 comments before implementing such a price increase.

879 **§ 4.1-124. (Effective until July 1, 2020) Referendum on the sale of mixed beverages.**

880 A. The provisions of this title relating to the sale of mixed beverages shall not become effective in
 881 any town, county, or supervisor's election district of a county until a majority of the voters voting in a
 882 referendum vote affirmatively on the question of whether mixed alcoholic beverages should be sold by
 883 restaurants licensed under this title. The qualified voters of a town, county, or supervisor's election district
 884 of a county may file a petition with the circuit court of the county asking that a referendum be held on the
 885 question of whether the sale of mixed beverages by restaurants licensed by the Board should be permitted
 886 within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10
 887 percent of the number registered in the town, county, or supervisor's election district on January 1
 888 preceding its filing or at least 100 qualified voters, whichever is greater.

889 Petition requirements for any county shall be based on the number of registered voters in the
 890 county, including the number of registered voters in any town having a population in excess of 1,000
 891 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall
 892 order the election officials of the county to conduct a referendum on the question.

893 The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper
 894 of general circulation in the town, county, or supervisor's election district once a week for three
 895 consecutive weeks prior to the referendum.

896 The question on the ballot shall be:

897 "Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic
 898 Beverage Control Authority be permitted in (name of town, county, or supervisor's election
 899 district of county)?"

900 The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-
901 681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the
902 clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed
903 beverages permitted to be sold by such referendum may in accordance with this title be sold by restaurants
904 licensed by the Board within the town, county, or supervisor's election district of a county on or after 30
905 days following the entry of the order if a majority of the voters voting in the referendum have voted "Yes."

906 The provisions of this section shall be applicable to towns having a population in excess of 1,000
907 to the same extent and subject to the same conditions and limitations as are otherwise applicable to
908 counties under this section. Such towns shall be treated as separate local option units, and only residents
909 of any such town shall be eligible to vote in any referendum held pursuant to this section for any such
910 town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote
911 in any referendum held pursuant to this section for any county in which the town is located.

912 The provisions of this section shall not require any town created as a result of a city-to-town
913 reversion pursuant to Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 to hold a referendum on the same
914 question if a majority of the voters voting in the former city had previously approved the sale of mixed
915 beverages by restaurants licensed by the Board in such city.

916 B. Once a referendum has been held, no other referendum on the same question shall be held in
917 the town, county, or supervisor's election district of a county for a period of 23 months.

918 C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed
919 on property dedicated for industrial or commercial development and controlled through the provision of
920 public utilities and covenanting of the land by any multijurisdictional industrial development authority, as
921 set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates
922 under a partnership agreement between three or more counties, cities, or towns and such jurisdictions
923 participate administratively and financially in the authority and (ii) the sale of mixed beverages is
924 permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the
925 counties and that the governing board of the authority authorizes an establishment located within the

926 confines of such property to apply to the Board for such license. The appropriate license fees shall be paid
927 for this privilege.

928 D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122,
929 the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not
930 produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

931 E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage
932 restaurant license to a restaurant located on the premises of and operated by a private club exclusively for
933 its members and their guests, subject to the qualifications and restrictions on the issuance of such license
934 imposed by ~~§ 4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the
935 private club restricts its membership on the basis of race, color, creed, national origin or sex.

936 **§ 4.1-124. (Effective July 1, 2020) Referendum on the sale of mixed beverages.**

937 A. The provisions of this title relating to the sale of mixed beverages shall be effective in any town,
938 county, or supervisor's election district of a county unless a majority of the voters voting in a referendum
939 vote "Yes" on the question of whether the sale of mixed alcoholic beverages by restaurants licensed under
940 this title should be prohibited. The qualified voters of a town, county, or supervisor's election district of a
941 county may file a petition with the circuit court of the county asking that a referendum be held on the
942 question of whether the sale of mixed beverages by restaurants licensed by the Board should be prohibited
943 within that jurisdiction. The petition shall be signed by qualified voters equal in number to at least 10
944 percent of the number registered in the town, county, or supervisor's election district on January 1
945 preceding its filing or at least 100 qualified voters, whichever is greater.

946 Petition requirements for any county shall be based on the number of registered voters in the
947 county, including the number of registered voters in any town having a population in excess of 1,000
948 located within such county. Upon the filing of a petition, and under no other circumstances, the court shall
949 order the election officials of the county to conduct a referendum on the question.

950 The clerk of the circuit court of the county shall publish notice of the referendum in a newspaper
951 of general circulation in the town, county, or supervisor's election district once a week for three
952 consecutive weeks prior to the referendum.

953 The question on the ballot shall be:

954 "Shall the sale of mixed alcoholic beverages by restaurants licensed by the Virginia Alcoholic
955 Beverage Control Authority be prohibited in (name of town, county, or supervisor's election
956 district of county)?"

957 The referendum shall be ordered and held and the results certified as provided in Article 5 (§ 24.2-
958 681 et seq.) of Chapter 6 of Title 24.2. Thereupon the court shall enter of record an order certified by the
959 clerk of the court to be transmitted to the Board and to the governing body of the town or county. Mixed
960 beverages prohibited from sale by such referendum shall not be sold by restaurants within the town,
961 county, or supervisor's election district of a county on or after 30 days following the entry of the order if
962 a majority of the voters voting in the referendum have voted "Yes."

963 The provisions of this section shall be applicable to towns having a population in excess of 1,000
964 to the same extent and subject to the same conditions and limitations as are otherwise applicable to
965 counties under this section. Such towns shall be treated as separate local option units, and only residents
966 of any such town shall be eligible to vote in any referendum held pursuant to this section for any such
967 town. Residents of towns having a population in excess of 1,000, however, shall also be eligible to vote
968 in any referendum held pursuant to this section for any county in which the town is located.

969 Notwithstanding the provisions of this section, the sale of mixed beverages by restaurants shall be
970 prohibited in any town created as a result of a city-to-town reversion pursuant to Chapter 41 (§ 15.2-4100
971 et seq.) of Title 15.2 if a referendum on the question of whether the sale of mixed beverages by restaurants
972 licensed under this title should be prohibited was previously held in the former city and a majority of the
973 voters voting in such referendum voted "Yes."

974 B. Once a referendum has been held, no other referendum on the same question shall be held in
975 the town, county, or supervisor's election district of a county for a period of 23 months.

976 C. Notwithstanding the provisions of subsection A, the sale of mixed beverages shall be allowed
977 on property dedicated for industrial or commercial development and controlled through the provision of
978 public utilities and covenanting of the land by any multijurisdictional industrial development authority, as
979 set forth under Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2, provided that (i) such authority operates

980 under a partnership agreement between three or more counties, cities, or towns and such jurisdictions
981 participate administratively and financially in the authority and (ii) the sale of mixed beverages is
982 permitted in one of the member counties, cities, towns, or a supervisor's election district of one of the
983 counties and that the governing board of the authority authorizes an establishment located within the
984 confines of such property to apply to the Board for such license. The appropriate license fees shall be paid
985 for this privilege.

986 D. Notwithstanding the provisions of subsection A of this section and subsection C of § 4.1-122,
987 the sale of mixed beverages by licensees, and the sale of alcoholic beverages other than beer and wine not
988 produced by farm wineries by the Board, shall be allowed in any city in the Commonwealth.

989 E. Notwithstanding the provisions of subsection A, the Board may grant a mixed beverage
990 restaurant license to a restaurant located on the premises of and operated by a private club exclusively for
991 its members and their guests, subject to the qualifications and restrictions on the issuance of such license
992 imposed by ~~§ 4.1-210~~ 4.1-206.3. However, no license authorized by this subsection shall be granted if the
993 private club restricts its membership on the basis of race, color, creed, national origin or sex.

994 **§ 4.1-132. Transportation into or within Commonwealth under internal revenue bond and**
995 **holding in warehouses; release.**

996 A. Alcoholic beverages may be transported into the Commonwealth under United States internal
997 revenue bonds and be held in the Commonwealth in United States internal revenue bonded warehouses.
998 Alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse
999 located in the Commonwealth and be held in the Commonwealth.

1000 B. Alcoholic beverages may be transported within the Commonwealth under United States internal
1001 revenue bonds and be held in United States internal revenue bonded warehouses. Alcoholic beverages
1002 may be removed from any such warehouse and transported to a winery or farm winery licensee in
1003 accordance with ~~§ 4.1-207~~ 4.1-206.1.

1004 C. Alcoholic beverages so transported or removed to such warehouses in the Commonwealth shall
1005 be released from internal revenue bonds in the Commonwealth only on permits issued by the Board for
1006 delivery to (i) boats engaged in foreign trade, trade between the Atlantic and Pacific ports of the United

1007 States, or trade between the United States and any of its possessions outside of the several states and the
1008 District of Columbia; (ii) installations of the United States Department of Defense; or (iii) holders of
1009 permits issued in accordance with subdivision A-413 of § 4.1-212.

1010 **§ 4.1-201. Conduct not prohibited by this title; limitation.**

1011 A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1012 1. Any club licensed under this chapter from keeping for consumption by its members any
1013 alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold,
1014 dispensed or given away in violation of this title.

1015 2. Any person from having grain, fruit or fruit products and any other substance, when grown or
1016 lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages
1017 to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with
1018 Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where
1019 distilled except in accordance with Board regulations.

1020 3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere,
1021 alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such
1022 alcoholic beverages.

1023 4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in
1024 closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to
1025 (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of
1026 resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of
1027 the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the
1028 Commonwealth for resale outside the Commonwealth.

1029 5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant
1030 for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee,
1031 provided the places of business or establishments for which the retail licenses are desired are located upon
1032 the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such

1033 person contiguous to such premises, or in a development contiguous to such premises owned and operated
 1034 by such person or a wholly owned subsidiary.

1035 6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other
 1036 than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such
 1037 alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the
 1038 Commonwealth for resale outside the Commonwealth.

1039 7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed
 1040 containers from other wineries or farm wineries located inside or outside the Commonwealth, or the
 1041 receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from
 1042 fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to
 1043 be used only for the fortification of wine produced by the licensee in accordance with Board regulations,
 1044 or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed
 1045 to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale
 1046 outside the Commonwealth.

1047 ~~8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made~~
 1048 ~~from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the~~
 1049 ~~sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons~~
 1050 ~~outside of the Commonwealth for resale outside of the Commonwealth.~~

1051 9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to
 1052 another farm winery or winery licensee for the purpose of additional bottling in accordance with Board
 1053 regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

1054 ~~10.~~ 9. Any farm winery or winery licensee from selling and shipping or delivering its wine in
 1055 closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to
 1056 be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection
 1057 shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to
 1058 the extent it is produced from fresh fruits or agricultural products grown or produced in the
 1059 Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain

1060 complete and accurate records of, the source of the fresh fruits or agricultural products used to produce
1061 the wine so transferred.

1062 ~~11-10. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer~~
1063 ~~to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-~~
1064 ~~premises wine or~~ and beer licensee, his agent or employee, from giving a sample of wine or beer to persons
1065 to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage
1066 licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic
1067 beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two
1068 ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half
1069 ounce, unless served as a mixed beverage, in which case a sample of spirits may contain up to one and
1070 one-half ounces of spirits. No more than ~~two~~ four product samples or, in the case of spirits samples, no
1071 more than three ounces of spirits shall be given to any person per ~~visit~~ day.

1072 ~~12-11.~~ 11. Any manufacturer, including any vendor authorized by any such manufacturer, whether or
1073 not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-
1074 premises retail licensees or prohibit any such retail licensee from displaying the service items on the
1075 premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain
1076 a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less
1077 than two years from the date of each sale of the service items. As used in this subdivision, "service items"
1078 mean articles of tangible personal property normally used by the employees of on-premises retail licensees
1079 to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and
1080 coasters.

1081 ~~13-12.~~ 12. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not
1082 licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and
1083 specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic
1084 beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number
1085 of employees of the retail establishment present at the time the items are delivered. Thereafter, such
1086 employees may wear or display the items on the licensed premises.

1087 ~~14-13.~~ Any (i) retail on-premises wine-~~or~~ and beer licensee, his agent or employee from offering
1088 for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight
1089 of wines or beers consisting of samples of not more than five different wines or beers and (ii) mixed
1090 beverage licensee, his agent or employee from offering for sale or selling for one price to any person to
1091 whom alcoholic beverages may be lawfully sold a flight of distilled spirits consisting of samples of not
1092 more than five different spirits products.

1093 ~~15-14.~~ Any restaurant licensed under this chapter from permitting the consumption of lawfully
1094 acquired wine, beer, or cider by bona fide customers on the premises in all areas and locations covered by
1095 the license, provided that (i) all such wine, beer, or cider shall have been acquired by the customer from a
1096 retailer licensed to sell such alcoholic beverages and (ii) no such wine, beer, or cider shall be brought onto
1097 the licensed premises by the customer except in sealed, nonresealable bottles or cans. The licensee may
1098 charge a corkage fee to such customer for the wine, beer, or cider so consumed; however, the licensee
1099 shall not charge any other fee to such customer.

1100 ~~16-15.~~ Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to
1101 adult customers of licensed retail establishments information about wine being consumed on such
1102 premises.

1103 ~~17-16.~~ Any private swim club operated by a duly organized nonprofit corporation or association
1104 from allowing members to bring lawfully acquired alcoholic beverages onto the premises of such club and
1105 consume such alcoholic beverages on the premises of such club.

1106 B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for
1107 resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee
1108 from receiving or selling the same.

1109 **§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine**
1110 **or beer wholesalers, and authorized representatives.**

1111 A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine
1112 or beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, and clubs
1113 licensed for on-premises consumption provided:

1114 1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii)
1115 authorized representatives of such manufacturers or wholesalers, which authorized representatives have
1116 obtained a permit in accordance with subdivision A-15 14 of § 4.1-212;

1117 2. Such employees or authorized representatives are present while the tastings are being conducted;

1118 3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on
1119 whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

1120 4. All alcoholic beverage products used in the tasting are served to the consumer by employees of
1121 the retail licensee;

1122 5. ~~The quantity of wine, beer, or spirits~~ (i) No single sample provided to any person during the
1123 tasting ~~does not exceed 12~~ exceeds four ounces of beer, ~~five~~ two ounces of wine, or ~~one and~~ one-half
1124 ounces ounce of spirits; ~~however, for any spirits tastings, no single sample shall exceed one-half ounce~~
1125 ~~per spirits product offered and no more than three spirits products may be offered to any patron, unless~~
1126 served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half
1127 ounces of spirits and (ii) no more than four total samples of alcoholic beverage products or, in the case of
1128 spirits samples, no more than three ounces of spirits shall be given to any person per day; and

1129 6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on
1130 whose premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf
1131 of any such manufacturer or wholesaler at any retail licensed premises during any 24-hour period. For the
1132 purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which gratuities
1133 may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the alcoholic
1134 beverages purchased for the tasting.

1135 B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records
1136 of each tasting authorized by this section for a period of not less than two years, which records shall
1137 include the date and place of each tasting conducted and the dollar amount expended by the manufacturer,
1138 wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

1139 C. Manufacturers and wholesalers shall be held liable for any violation of this section committed
1140 by their employees or authorized representative in connection with their employment or representation at
1141 any tasting event.

1142 **§ 4.1-203. Separate license for each place of business; transfer or amendment; posting;**
1143 **expiration; carriers.**

1144 A. Each license granted by the Board shall designate the place where the business of the licensee
1145 will be carried on. Except as otherwise provided in §§ ~~4.1-207 and 4.1-208~~ 4.1-206.1, 4.1-206.2, and 4.1-
1146 206.3, a separate license shall be required for each separate place of business.

1147 B. No license shall be transferable from one person to another, or from one location to another.
1148 The Board may permit a licensee to amend the classification of an existing license without complying
1149 with the posting and publishing procedures required by § 4.1-230 if the effect of the amendment is to
1150 reduce materially the privileges of an existing license. However, if (i) the Board determines that the
1151 amendment is a device to evade the provisions of this chapter, (ii) a majority of the corporate stock of a
1152 retail licensee is sold to a new entity, or (iii) there is a change of business at the premises of a retail
1153 licensee, the Board may, within 30 days of receipt of written notice by the licensee of a change in
1154 ownership or a change of business, require the licensee to comply with any or all of the requirements of §
1155 4.1-230. If the Board fails to exercise its authority within the 30-day period, the licensee shall not be
1156 required to reapply for a license. The licensee shall submit such written notice to the Secretary of the
1157 Board.

1158 C. Each license shall be posted in a location conspicuous to the public at the place where the
1159 licensee carries on the business for which the license is granted.

1160 D. The privileges conferred by any license granted by the Board, except for temporary licenses,
1161 banquet and mixed beverage special events licenses, shall continue until the last day of the twelfth month
1162 next ensuing or the last day of the designated month and year of expiration, except the license may be
1163 sooner terminated for any cause for which the Board would be entitled to refuse to grant a license, by
1164 operation of law, voluntary surrender or order of the Board.

1165 The Board may grant licenses for one year or for multiple years, not to exceed three years, based
1166 on the fees set forth in § ~~4.1-231~~ 4.1-231.1. Qualification for a multiyear license shall be determined on
1167 the basis of criteria established by the Board. Fees for multiyear licenses shall not be refundable except as
1168 provided in § 4.1-232. The Board may provide a discount for two-year or three-year licenses, not to exceed
1169 five percent of the applicable license fee, which extends for one fiscal year and shall not be altered or
1170 rescinded during such period.

1171 The Board may permit a licensee who fails to pay:

1172 1. The required license tax covering the continuation or reissuance of his license by midnight of
1173 the fifteenth day of the twelfth month or of the designated month of expiration, whichever is applicable,
1174 to pay the tax in lieu of posting and publishing notice and reapplying, provided payment of the tax is made
1175 within 30 days following that date and is accompanied by a civil penalty of \$25 or 10 percent of such tax,
1176 whichever is greater; and

1177 2. The tax and civil penalty pursuant to subdivision 1 to pay the tax in lieu of posting and publishing
1178 notice and reapplying, provided payment of the tax is made within 45 days following the 30 days specified
1179 in subdivision 1 and is accompanied by a civil penalty of \$100 or 25 percent of such tax, whichever is
1180 greater.

1181 Such civil penalties collected by the Board shall be deposited in accordance with § 4.1-114.

1182 E. Subsections A and C shall not apply to common carriers of passengers by train, boat, or airplane.

1183 **§ 4.1-204. Records of licensees; inspection of records and places of business.**

1184 A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler
1185 shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic
1186 beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by §
1187 4.1-234 or 4.1-236, if any.

1188 B. Retailers. — Every retail licensee shall keep complete, accurate and separate records, in
1189 accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such
1190 licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee
1191 shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He

1192 shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the
1193 total price charged by him therefor. Except as otherwise provided in subsection D, such account need not
1194 give the names or addresses of the purchasers thereof, except as may be required by Board regulation for
1195 the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses which require sales
1196 of food to determine their qualifications for such licenses, the records shall also include purchases and
1197 sales of food and nonalcoholic beverages.

1198 Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored
1199 off site, provided that such records are readily retrievable and available for electronic inspection by the
1200 Board or its special agents at the licensed premises. However, in the case that such electronic records are
1201 not readily available for electronic inspection on the licensed premises, the retail licensee may obtain
1202 Board approval, for good cause shown, to permit the retail licensee to provide the records to a special
1203 agent of the Board within three business days or less, as determined by the Board, after a request is made
1204 to inspect the records.

1205 C. Common carriers. — Common carriers of passengers by train, boat, or airplane shall keep
1206 records of purchases and sales of alcoholic beverages and food as required by Board regulation.

1207 D. ~~Wine shippers and beer shippers.~~ — Every ~~wine shipper licensee and every~~ beer shipper
1208 licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all
1209 shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly
1210 basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped
1211 and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and
1212 beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is
1213 shipped.

1214 E. ~~Delivery permittees~~ Deliveries. — Every ~~holder of a delivery permit issued~~ licensee or permittee
1215 that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate
1216 records for a period of at least two years in accordance with Board regulations of all deliveries of wine or
1217 beer to persons in the Commonwealth. Such records shall include (i) the brands of wine and beer sold, (ii)
1218 the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the

1219 names, addresses, and signatures of the purchasers to whom the wine and beer is delivered. Such purchaser
 1220 signatures may be in an electronic format. ~~Permittees~~ Licensees and permittees shall remit such records
 1221 on a monthly basis for any month during which the licensee or permittee makes a delivery for which the
 1222 licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to
 1223 subsection ~~D~~ E of § 4.1-212.1.

1224 F. Inspection. — The Board and its special agents shall be allowed free access during reasonable
 1225 hours to every place in the Commonwealth and to the premises of both (i) every wine ~~shipper licensee~~ and
 1226 beer shipper licensee and (ii) every ~~delivery~~ licensee or permittee authorized to make deliveries wherever
 1227 located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the
 1228 purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board
 1229 may engage the services of alcoholic beverage control authorities in any state to assist with the inspection
 1230 of the premises of a wine ~~shipper licensee~~, a and beer shipper licensee, ~~or delivery~~ licensee or permittee
 1231 authorized to make deliveries, or any applicant for such license or permit.

1232 For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means
 1233 the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public
 1234 substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee
 1235 is open to the public. At any other time of day, if the retail licensee's records are not available for
 1236 inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a
 1237 request is made to inspect the records.

1238 **§ 4.1-205. Local licenses.**

1239 A. In addition to the state licenses provided for in this chapter, the governing body of each county,
 1240 city or town in the Commonwealth may provide by ordinance for the issuance of county, city or town
 1241 licenses and to charge and collect license taxes therefor, to persons licensed by the Board to manufacture,
 1242 bottle or sell alcoholic beverages within such county, city or town, except for temporary licenses
 1243 authorized by § 4.1-211. Subject to § ~~4.1-233~~ 4.1-233.1, the governing body of a county, city or town may
 1244 classify licenses and graduate the license taxes therefor in the manner it deems proper.

1245 B. No county, city or town shall issue a local license to any person who does not hold or secure
1246 simultaneously the proper state license. If any person holds any local license without at the same time
1247 holding the proper state license, the local license, during the period when such person does not hold the
1248 proper state license, shall confer no privileges under the provisions of this title.

1249 **§ 4.1-206.1. Manufacturer licenses.**

1250 The Board may grant the following manufacturer licenses:

1251 1. Distiller's licenses, which shall authorize the licensee to manufacture alcoholic beverages other
1252 than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in
1253 closed containers, to the Board and to persons outside the Commonwealth for resale outside the
1254 Commonwealth. When the Board has established a government store on the distiller's licensed premises
1255 pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to
1256 consumers to participate in an organized tasting event conducted in accordance with subsection G of §
1257 4.1-119 and Board regulations.

1258 2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of
1259 alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a
1260 farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner
1261 and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are
1262 grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title
1263 except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned
1264 agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise
1265 permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural"
1266 does not include land zoned "residential conservation." Except for the limitation on land zoned "residential
1267 conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

1268 3. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver
1269 or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons
1270 licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale
1271 within a theme or amusement park owned and operated by the brewery or a parent, subsidiary, or company

1272 under common control of such brewery, or upon property of such brewery or a parent, subsidiary, or
1273 company under common control of such brewery contiguous to such premises, or in a development
1274 contiguous to such premises owned and operated by such brewery or a parent, subsidiary, or company
1275 under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside
1276 the Commonwealth. Such license shall also authorize the licensee to sell at retail at premises described in
1277 the brewery license (a) the brands of beer that the brewery owns for on-premises consumption, provided
1278 that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar year
1279 is manufactured on the licensed premises, and (b) beer in closed containers, which shall include growlers
1280 and other reusable containers, for off-premises consumption.

1281 Such license may also authorize individuals holding a brewery license to (1) operate a facility
1282 designed for and utilized exclusively for the education of persons in the manufacture of beer, including
1283 sampling by such individuals of beer products, within a theme or amusement park located upon the
1284 premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a
1285 development contiguous to such premises owned and operated by such person or a wholly owned
1286 subsidiary or (2) offer samples of the brewery's products to individuals visiting the licensed premises,
1287 provided that such samples shall be provided only to individuals for consumption on the premises of such
1288 facility or licensed premises and only to individuals to whom such products may be lawfully sold.

1289 4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer
1290 per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned
1291 agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including
1292 barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the
1293 farm. The licensed premises shall be limited to the portion of the farm on which agricultural products,
1294 including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown
1295 and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any
1296 residence and the curtilage thereof. However, the Board may, with notice to the local governing body in
1297 accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part
1298 of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned

1299 as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery
1300 use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential
1301 conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition
1302 shall otherwise limit or affect local zoning authority.

1303 Limited brewery licensees shall be treated as breweries for all purposes of this title except as
1304 otherwise provided in this subdivision.

1305 5. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver
1306 or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell
1307 the wine so manufactured at wholesale for the purpose of resale, and to persons outside the
1308 Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the
1309 licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits
1310 from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the
1311 licensee; (ii) operate a contract winemaking facility on the premises of the licensee in accordance with
1312 Board regulations; (iii) store wine in bonded warehouses on or off the licensed premises upon permit
1313 issued by the Board; and (iv) sell wine at retail at the place of business designated in the winery license in
1314 closed containers for off-premises consumption.

1315 6. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21
1316 percent or less of alcohol by volume and to sell, deliver, or ship the wine, in accordance with Board
1317 regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at
1318 wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the licensee
1319 may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in
1320 accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose
1321 of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the
1322 premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses
1323 located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a
1324 farm winery license shall be designated either as a Class A or Class B farm winery license in accordance

1325 with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with
1326 Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

1327 Such licenses shall also authorize the licensee to sell wine at retail at the places of business
1328 designated in the licenses, which may include no more than five additional retail establishments of the
1329 licensee. Wine may be sold at these business places for on-premises consumption and in closed containers
1330 for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold
1331 for on-premises consumption at these business places.

1332 7. Wine importer's licenses, which shall authorize persons located within or outside the
1333 Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed
1334 containers, to persons in the Commonwealth licensed to sell such wine at wholesale for the purpose of
1335 resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

1336 8. Beer importer's licenses, which shall authorize persons located within or outside the
1337 Commonwealth to sell and deliver or ship beer, in accordance with Board regulations, in closed containers,
1338 to persons in the Commonwealth licensed to sell such beer at wholesale for the purpose of resale, and to
1339 persons outside the Commonwealth for resale outside the Commonwealth.

1340 **§ 4.1-206.2. Wholesale licenses.**

1341 The Board may grant the following wholesale licenses:

1342 1. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and
1343 shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the
1344 license, in accordance with Board regulations, in closed containers to (i) persons licensed under this
1345 chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered
1346 under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii)
1347 persons outside the Commonwealth for resale outside the Commonwealth.

1348 No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth
1349 who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's
1350 license and purchases beer for resale pursuant to the privileges of such beer importer's license.

1351 2. Wholesale wine licenses, including those granted pursuant to subdivision 3, which shall
1352 authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or
1353 ship the wine from one or more premises identified in the license, in accordance with Board regulations,
1354 in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside
1355 the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for
1356 sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for
1357 ports of call of a foreign country or another state.

1358 No wholesale wine licensee shall purchase wine for resale from a person outside the
1359 Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a
1360 wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's
1361 license.

1362 3. Restricted wholesale wine licenses, which shall authorize a nonprofit, nonstock corporation
1363 created in accordance with subdivision B 2 of § 3.2-102 to provide wholesale wine distribution services
1364 to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery
1365 or farm winery licensee shall be distributed by the corporation in any one year. The corporation shall
1366 provide such distribution services in accordance with the terms of a written agreement approved by the
1367 corporation between it and the winery or farm winery licensee, which shall comply with the provisions of
1368 this title and Board regulations. The corporation shall receive all of the privileges of, and be subject to, all
1369 laws and regulations governing wholesale wine licenses granted under subdivision 2.

1370 **§ 4.1-206.3. Retail licenses.**

1371 A. The Board may grant the following mixed beverages licenses:

1372 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed
1373 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may
1374 be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food
1375 cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises,
1376 after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed
1377 beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor

1378 dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have
1379 more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are
1380 under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall
1381 not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

1382 If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent
1383 bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,
1384 bedrooms, and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed
1385 beverages for consumption in such designated areas, bedrooms, and other private rooms and (ii) sell spirits
1386 packaged in original closed containers purchased from the Board for on-premises consumption to
1387 registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private
1388 rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale
1389 and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed
1390 appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own
1391 lawfully acquired spirits in bedrooms or private rooms.

1392 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
1393 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
1394 another city with which it has an agreement for reciprocal dining privileges, such license shall also
1395 authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club
1396 prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the
1397 Board and located on another portion of the premises of the same hotel or motel building, this fact shall
1398 not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's
1399 gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its
1400 members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts
1401 from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be
1402 excluded in any consideration of the qualifications of such restaurant for a license from the Board.

1403 If the restaurant is located on the premises of and operated by a municipal golf course, the Board
1404 shall recognize the seasonal nature of the business and waive any applicable monthly food sales

1405 requirements for those months when weather conditions may reduce patronage of the golf course, provided
1406 that prepared food, including meals, is available to patrons during the same months. The gross receipts
1407 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages
1408 served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross
1409 receipts from the sale of mixed beverages and food on an annualized basis.

1410 The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
1411 obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for
1412 off-premises consumption; however, the licensee shall be required to pay the state and local taxes required
1413 for such additional license pursuant to §§ 4.1-231.1 and 4.1-233.1.

1414 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in
1415 the business of providing food and beverages to others for service at private gatherings or at special events,
1416 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The
1417 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages
1418 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the
1419 gross receipts from the sale of mixed beverages and food.

1420 3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly
1421 engaged in the business of providing food and beverages to others for service at private gatherings or at
1422 special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell
1423 and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of
1424 food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred
1425 to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed
1426 beverages and food.

1427 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
1428 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
1429 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
1430 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
1431 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier

1432 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and
1433 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic
1434 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air
1435 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic
1436 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the
1437 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be
1438 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to
1439 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
1440 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
1441 licensee shall be required to pay the state and local taxes required for such additional license pursuant to
1442 §§ 4.1-231.1 and 4.1-233.1.

1443 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell
1444 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during
1445 scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all
1446 dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-
1447 premises consumption. Such license may be granted to persons operating food concessions at an outdoor
1448 motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a
1449 track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of
1450 the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the
1451 premises in all areas and locations covered by the license. The granting of a license pursuant to this
1452 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer
1453 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee
1454 shall be required to pay the state and local taxes required for such additional license pursuant to §§ 4.1-
1455 231.1 and 4.1-233.1.

1456 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
1457 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
1458 shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the

1459 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the
1460 sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed
1461 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license
1462 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve
1463 wine and beer for on-premises consumption or in closed containers for off-premises consumption;
1464 however, the licensee shall be required to pay the state and local taxes required for such additional license
1465 pursuant to §§ 4.1-231.1 and 4.1-233.1.

1466 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee
1467 to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable
1468 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
1469 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the
1470 Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for
1471 on-premises consumption or in closed containers for off-premises consumption; however, the licensee
1472 shall be required to pay the state and local taxes required for such additional wine and beer license pursuant
1473 to §§ 4.1-231.1 and 4.1-233.1. Such licenses may be granted to the following:

1474 a. Corporations or associations operating a performing arts facility, provided the performing arts
1475 facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease,
1476 the original term of which was for more than one year's duration; and (iii) has been rehabilitated in
1477 accordance with historic preservation standards;

1478 b. Persons operating food concessions at any performing arts facility located in the City of Norfolk
1479 or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-
1480 term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity
1481 in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards;
1482 and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the
1483 premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum
1484 established by Board regulations for mixed beverage restaurants;

1485 c. Persons operating food concessions at any performing arts facility located in the City of
1486 Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease
1487 or concession agreement, the original term of which was more than five years; (ii) has a total capacity in
1488 excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

1489 d. Persons operating food concessions at any performing arts facility located in the arts and cultural
1490 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona
1491 fide long-term lease or concession agreement, the original term of which was more than five years; (ii)
1492 has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts
1493 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages
1494 served on the premises that meet or exceed the monthly minimum established by Board regulations for
1495 mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

1496 e. Persons operating food concessions at any multipurpose theater located in the historical district
1497 of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity
1498 and (ii) has a total capacity in excess of 100 patrons;

1499 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or
1500 similar facility that has seating for more than 20,000 persons and is located in Prince William County or
1501 the City of Virginia Beach; or

1502 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or
1503 similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the
1504 City of Portsmouth.

1505 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
1506 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
1507 subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location,
1508 and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
1509 beverage caterer at the same business premises designated in the license, with a common alcoholic
1510 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
1511 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision

1512 A 1 and mixed beverage caterer's license pursuant to subdivision A 2. The granting of a license pursuant
1513 to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
1514 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
1515 licensee shall be required to pay the state and local taxes required for such additional license pursuant to
1516 §§ 4.1-231.1 and 4.1-233.1.

1517 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages
1518 in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
1519 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
1520 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
1521 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
1522 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
1523 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes
1524 outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one
1525 means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas
1526 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas
1527 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

1528 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
1529 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
1530 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
1531 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member
1532 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the
1533 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied
1534 and utilized as such.

1535 11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
1536 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
1537 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or

1538 indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's
1539 premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

1540 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
1541 association governing a commercial lifestyle center, which shall authorize any retail on-premises
1542 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
1543 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of
1544 the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
1545 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
1546 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such
1547 tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises
1548 restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and
1549 such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the
1550 name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic
1551 beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The
1552 licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed
1553 premises; however, no physical barriers shall be required for this purpose. The licensee shall provide
1554 adequate security for the licensed premises to ensure compliance with the applicable provisions of this
1555 title and Board regulations.

1556 13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve
1557 mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such
1558 license may be granted only to persons operating a business (i) that is primarily engaged in the sale of
1559 meals; (ii) that is located on property owned by the United States government or an agency thereof and
1560 used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of
1561 food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the
1562 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale
1563 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include
1564 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may

1565 have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas
1566 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas
1567 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting
1568 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to
1569 sell and serve wine and beer for on-premises consumption or in closed containers for off-premises
1570 consumption; however, the licensee shall be required to pay the state and local taxes required for such
1571 additional license pursuant to §§ 4.1-231.1 and 4.1-233.1.

1572 14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or
1573 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
1574 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and
1575 objects significant in American history and culture; (iii) persons operating an agricultural event and
1576 entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space
1577 and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped
1578 with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted
1579 on the premises of a museum for historic interpretation that is owned and operated by the locality. The
1580 operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease
1581 the original term of which was for more than one year's duration. Such license shall authorize the licensee
1582 to sell alcoholic beverages during scheduled events and performances for on-premises consumption in
1583 areas upon the licensed premises approved by the Board.

1584 B. The Board may grant an on-and-off-premises wine and beer license to the following:

1585 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in
1586 closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without
1587 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest
1588 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.
1589 However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize
1590 the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate
1591 by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic

1592 beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight
1593 lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the
1594 amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at
1595 least one meal is provided each day by the hotel to such guests. With regard to facilities registered in
1596 accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are
1597 also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee,
1598 keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by
1599 the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,
1600 whether or not contiguous to the licensed premises, which may have more than one means of ingress and
1601 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control
1602 of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved
1603 for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

1604 2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients
1605 for their on-premises consumption only in such rooms, provided the consent of the patient's attending
1606 physician is first obtained or (ii) in closed containers for off-premises consumption.

1607 3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises
1608 consumption or in closed containers for off-premises consumption. No license shall be granted unless (i)
1609 the grocery store is located in any town or in a rural area outside the corporate limits of any city or town
1610 and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists
1611 and that public convenience and the purposes of this title will be promoted by granting the license.

1612 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer
1613 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,
1614 walkways, concession areas, and additional locations designated by the Board (i) in closed containers for
1615 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
1616 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
1617 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered

1618 by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums,
1619 racetracks, or similar facilities.

1620 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
1621 during the performance of any event to patrons within all seating areas, concourses, walkways, or
1622 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
1623 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
1624 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own
1625 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.
1626 Such licenses may be granted to persons operating food concessions at any outdoor performing arts
1627 amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in
1628 Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500
1629 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or
1630 Rockingham, or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500
1631 persons and is located in Henrico County.

1632 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to
1633 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
1634 and such additional locations designated by the Board in such facilities (i) in closed containers for off-
1635 premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal
1636 cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume
1637 his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
1638 license. Such licenses may be granted to persons operating food concessions at exhibition or exposition
1639 halls, convention centers, or similar facilities located in any county operating under the urban county
1640 executive form of government or any city that is completely surrounded by such county. For purposes of
1641 this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting
1642 private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet
1643 of floor space.

1644 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during
1645 events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession
1646 areas, dining areas, and such additional locations designated by the Board in such facilities, for on-
1647 premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to
1648 this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such
1649 licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural
1650 Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

1651 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or
1652 without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be
1653 lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The
1654 privileges of this license shall be limited to the premises of the historic cinema house regularly occupied
1655 and utilized as such.

1656 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
1657 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
1658 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3)
1659 of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the
1660 consuming public about historic beer products. The privileges of this license shall be limited to the
1661 premises of the museum, regularly occupied and utilized as such.

1662 C. The Board may grant the following off-premises wine and beer licenses:

1663 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery
1664 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina
1665 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine
1666 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-
1667 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-
1668 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine
1669 and no more than four total samples of alcoholic beverage products shall be served to any person per day.
1670 The licensee may also give samples of wine and beer in designated areas at events held by the licensee for

1671 the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.
1672 With the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may
1673 participate in such tastings, including the pouring of samples. The licensee shall maintain each year an
1674 average monthly inventory and sales volume of at least \$1,000 in food products.

1675 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
1676 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
1677 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
1678 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

1679 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed
1680 premises for off-premises consumption confectionery that contains five percent or less alcohol by volume.
1681 Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is
1682 sold.

1683 D. The Board may grant the following banquet, special event, and tasting licenses:

1684 1. Per-day event licenses.

1685 a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations
1686 or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer
1687 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or
1688 areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be
1689 authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises
1690 consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one
1691 such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day
1692 of each banquet or special event. For the purposes of this subdivision, when the location named in the
1693 original application for a license is outdoors, the application may also name an alternative location in the
1694 event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club
1695 holding a retail wine and beer license.

1696 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association
1697 in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-

1698 premises consumption in areas approved by the Board on the premises of the place designated in the
1699 license. A separate license shall be required for each day of each special event.

1700 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
1701 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members
1702 and their guests in areas approved by the Board on the club premises. A separate license shall be required
1703 for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar
1704 year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
1705 obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall
1706 be required to pay the state and local taxes required for such additional license pursuant to §§ 4.1-231.1
1707 and 4.1-233.1.

1708 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
1709 of the type specified in the license in designated areas at events held by the licensee. A tasting license
1710 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
1711 beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting
1712 license shall be required for conduct authorized by § 4.1-201.1.

1713 2. Annual licenses.

1714 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
1715 membership organizations that are exempt from state and federal taxation and in charge of banquets
1716 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and
1717 beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
1718 or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.
1719 For the purposes of this subdivision, when the location named in the original application for a license is
1720 outdoors, the application may also name an alternative location in the event of inclement weather.
1721 However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer
1722 license.

1723 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical
1724 services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired

1725 alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests
1726 thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall
1727 not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use
1728 the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency
1729 station or both, regularly occupied as such and recognized by the governing body of the county, city, or
1730 town in which it is located. Under conditions as specified by Board regulation, such premises may be other
1731 than a volunteer fire or volunteer emergency medical services agency station, provided such other
1732 premises are occupied and under the control of the volunteer fire department or volunteer emergency
1733 medical services agency while the privileges of its license are being exercised.

1734 c. Local special events licenses to a locality, business improvement district, or nonprofit
1735 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages
1736 within the area designated by the Board for the special event and (ii) any permanent retail on-premises
1737 licensee that is located within the area designated by the Board for the special event to sell alcoholic
1738 beverages within the permanent retail location for consumption in the area designated for the special event,
1739 including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon
1740 approval of such businesses. In determining the designated area for the special event, the Board shall
1741 consult with the locality. Local special events licensees shall be limited to 12 special events per year. Only
1742 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated
1743 area may be consumed at the special event, and such alcoholic beverages shall be contained in paper,
1744 plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises
1745 licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or
1746 charged for in any way by the local special events licensee. The local special events licensee shall post
1747 appropriate signage clearly demarcating for the public the boundaries of the special event; however, no
1748 physical barriers shall be required for this purpose. The local special events licensee shall provide adequate
1749 security for the special event to ensure compliance with the applicable provisions of this title and Board
1750 regulations.

1751 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic,
1752 or charitable membership organizations that are exempt from state and federal taxation and in charge of
1753 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
1754 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the
1755 place designated in the license. Such license shall authorize the licensee to conduct no more than 12
1756 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically
1757 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption;
1758 however, the licensee shall be required to pay the state and local taxes required for such additional license
1759 pursuant to §§ 4.1-231.1 and 4.1-233.1.

1760 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt,
1761 and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
1762 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However,
1763 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this
1764 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,
1765 hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

1766 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the
1767 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine
1768 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic
1769 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the
1770 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glass of beer to any one
1771 adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly
1772 occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

1773 E. The Board may grant a marketplace license to persons operating a business enterprise of which
1774 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
1775 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
1776 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or
1777 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such

1778 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace
1779 license, the applicant's business enterprise must (i) provide a single category of goods or services in a
1780 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in
1781 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic
1782 beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all
1783 employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to
1784 be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the
1785 Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average
1786 amount of time customers spend at the business, (b) the business' hours of operation, (c) the amount of
1787 time that the business has been in operation, and (d) any other requirements deemed necessary by the
1788 Board to protect the public, health, safety, and welfare.

1789 F. The Board may grant the following shipper, bottler, and related licenses:

1790 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §
1791 4.1-209.1.

1792 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside
1793 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,
1794 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
1795 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale
1796 requirement established by Board regulations.

1797 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and
1798 shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board
1799 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under
1800 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons
1801 outside the Commonwealth for resale outside the Commonwealth.

1802 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with
1803 a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer
1804 owned by holders of wine and beer shipper's licenses, (ii) store such wine or beer on behalf of the owner,

1805 and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board
 1806 regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or
 1807 not, or any person under common control of such licensee, shall acquire or hold any financial interest,
 1808 direct or indirect, in the business for which any fulfillment warehouse license is issued.

1809 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized
 1810 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of
 1811 business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders
 1812 for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer
 1813 may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order
 1814 for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment.
 1815 Marketing portal licensees may also accept payment on behalf of the shipper.

1816 **§ 4.1-209. Wine and beer license privileges; advertising; tastings.**

1817 ~~A. The Board may grant the following licenses relating to wine and beer:~~

1818 ~~1. Retail on-premises wine and beer licenses to:~~

1819 ~~a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either~~
 1820 ~~with or without meals, only in dining areas and other designated areas of such restaurants, or in dining~~
 1821 ~~areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in~~
 1822 ~~such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the~~
 1823 ~~Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort~~
 1824 ~~complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale~~
 1825 ~~and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas~~
 1826 ~~to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or~~
 1827 ~~areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on~~
 1828 ~~the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard~~
 1829 ~~to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of~~
 1830 ~~Virginia as continuing care communities that are also licensed by the Board under this subdivision, any~~
 1831 ~~resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic~~

1832 ~~beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other~~
1833 ~~designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which~~
1834 ~~may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that~~
1835 ~~such outdoor dining areas are under the control of the licensee and approved by the Board. Such~~
1836 ~~noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision~~
1837 ~~A 5 of § 4.1-201;~~

1838 ~~b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the~~
1839 ~~licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars~~
1840 ~~so operated by them, for on-premises consumption when carrying passengers;~~

1841 ~~c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the~~
1842 ~~licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-~~
1843 ~~premises consumption when carrying passengers;~~

1844 ~~d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or~~
1845 ~~intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by~~
1846 ~~passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated~~
1847 ~~rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For~~
1848 ~~purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the~~
1849 ~~same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto~~
1850 ~~the same airplanes and to transport and store wine and beer at or in close proximity to the airport where~~
1851 ~~the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier.~~
1852 ~~The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of~~
1853 ~~wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air~~
1854 ~~carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be~~
1855 ~~transported, stored, and delivered by its authorized representative;~~

1856 ~~e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for~~
1857 ~~their on-premises consumption only in such rooms, provided the consent of the patient's attending~~
1858 ~~physician is first obtained;~~

1859 f. ~~Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which~~
1860 ~~shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers or in~~
1861 ~~single original metal cans, during any event and immediately subsequent thereto, to patrons within all~~
1862 ~~seating areas, concourses, walkways, concession areas and additional locations designated by the Board~~
1863 ~~in such coliseums, stadia, racetracks or similar facilities, for on premises consumption. Upon~~
1864 ~~authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic~~
1865 ~~beverages on the premises in all areas and locations covered by the license;~~

1866 g. ~~Persons operating food concessions at any outdoor performing arts amphitheater, arena or~~
1867 ~~similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County~~
1868 ~~or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties~~
1869 ~~of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville,~~
1870 ~~Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County.~~
1871 ~~Such license shall authorize the licensee to sell wine and beer during the performance of any event, in~~
1872 ~~paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating~~
1873 ~~areas, concourses, walkways, concession areas, or similar facilities, for on premises consumption. Upon~~
1874 ~~authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic~~
1875 ~~beverages on the premises in all areas and locations covered by the license;~~

1876 h. ~~Persons operating food concessions at exhibition or exposition halls, convention centers or~~
1877 ~~similar facilities located in any county operating under the urban county executive form of government or~~
1878 ~~any city which is completely surrounded by such county, which shall authorize the licensee to sell wine~~
1879 ~~and beer during the event, in paper, plastic or similar disposable containers or in single original metal~~
1880 ~~cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession~~
1881 ~~areas, and such additional locations designated by the Board in such facilities, for on premises~~
1882 ~~consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully~~
1883 ~~acquired alcoholic beverages on the premises in all areas and locations covered by the license. For~~
1884 ~~purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities~~

1885 ~~conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000~~
1886 ~~square feet of floor space;~~

1887 ~~i. Persons operating a concert and dinner theater venue on property fronting Natural Bridge School~~
1888 ~~Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which~~
1889 ~~shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating~~
1890 ~~areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional~~
1891 ~~locations designated by the Board in such facilities, for on-premises consumption. Persons licensed~~
1892 ~~pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served;~~
1893 ~~and~~

1894 ~~j. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or~~
1895 ~~without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be~~
1896 ~~lawfully sold, for on-premises consumption. The privileges of this license shall be limited to the premises~~
1897 ~~of the historic cinema house regularly occupied and utilized as such.~~

1898 ~~2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and~~
1899 ~~beer in closed containers for off-premises consumption.~~

1900 ~~3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed~~
1901 ~~containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any~~
1902 ~~person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by~~
1903 ~~volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The~~
1904 ~~licensee may also give samples of wine and beer in designated areas at events held by the licensee for the~~
1905 ~~purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.~~
1906 ~~Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees~~
1907 ~~may participate in tastings held by licensees authorized to conduct tastings, including the pouring of~~
1908 ~~samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board~~
1909 ~~regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and~~
1910 ~~sales volume of at least \$1,000 in products such as cheeses and gourmet food.~~

1911 ~~4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in~~
1912 ~~closed containers for off-premises consumption.~~

1913 ~~5. Retail on and off premises wine and beer licenses to persons enumerated in subdivision 1 a,~~
1914 ~~which shall accord all the privileges conferred by retail on premises wine and beer licenses and in addition,~~
1915 ~~shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.~~

1916 ~~6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations~~
1917 ~~or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer~~
1918 ~~in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or~~
1919 ~~areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be~~
1920 ~~authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises~~
1921 ~~consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than one~~
1922 ~~such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for each day~~
1923 ~~of each banquet or special event. For the purposes of this subdivision, when the location named in the~~
1924 ~~original application for a license is outdoors, the application may also name an alternative location in the~~
1925 ~~event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club~~
1926 ~~holding a retail wine and beer license.~~

1927 ~~7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the~~
1928 ~~interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of~~
1929 ~~§ 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample~~
1930 ~~of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume~~
1931 ~~for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at~~
1932 ~~events held by the licensee for the purpose of featuring and educating the consuming public about the~~
1933 ~~alcoholic beverages being tasted.~~

1934 ~~8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom~~
1935 ~~wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,~~
1936 ~~and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for~~
1937 ~~off-premises consumption in accordance with subdivision 6 of § 4.1-200.~~

1938 9. ~~Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable~~
1939 ~~membership organizations that are exempt from state and federal taxation and in charge of banquets~~
1940 ~~conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine~~
1941 ~~and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such~~
1942 ~~rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar~~
1943 ~~year. For the purposes of this subdivision, when the location named in the original application for a license~~
1944 ~~is outdoors, the application may also name an alternative location in the event of inclement weather.~~
1945 ~~However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer~~
1946 ~~license.~~

1947 10. ~~Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313~~
1948 ~~with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or~~
1949 ~~beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the~~
1950 ~~owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with~~
1951 ~~Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth~~
1952 ~~or not, or any person under common control of such licensee, shall acquire or hold any financial interest,~~
1953 ~~direct or indirect, in the business for which any fulfillment warehouse license is issued.~~

1954 11. ~~Marketing portal licenses, which shall authorize agricultural cooperative associations~~
1955 ~~organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with~~
1956 ~~a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and~~
1957 ~~receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to~~
1958 ~~whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon~~
1959 ~~receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's~~
1960 ~~license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.~~

1961 12. ~~Gourmet oyster house licenses, to establishments located on the premises of a commercial~~
1962 ~~marina and permitted by the Department of Health to serve oysters and other fresh seafood for~~
1963 ~~consumption on the premises, where the licensee also offers to the public events for the purpose of~~
1964 ~~featuring and educating the consuming public about local oysters and other seafood products. Such license~~

1965 shall ~~authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor~~
1966 ~~areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed~~
1967 ~~containers for off-premises consumption. Samples of wine shall not exceed two ounces per person.~~
1968 ~~Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly~~
1969 ~~food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the~~
1970 ~~licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized~~
1971 ~~to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be~~
1972 ~~lawfully sold.~~

1973 B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license
1974 pursuant to ~~this section~~ § 4.1-206.3 may display within their licensed premises point-of-sale advertising
1975 materials that incorporate the use of any professional athlete or athletic team, provided that such
1976 advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of
1977 Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol
1978 prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the
1979 athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the
1980 alcoholic beverage so advertised enhances athletic prowess.

1981 C. ~~Notwithstanding any provision of law to the contrary, persons granted a wine and beer license~~
1982 ~~pursuant to this section may deliver such wine or beer in closed containers for off-premises consumption~~
1983 ~~to such person's vehicle if located in a designated parking area of the retailer's premises where such person~~
1984 ~~has electronically ordered wine or beer in advance of the delivery or (ii) if the licensee holds a delivery~~
1985 ~~permit issued pursuant to § 4.1-212.1, to such other locations as may be permitted by Board regulation.~~

1986 D. ~~B.~~ Persons granted retail ~~on-premises and on-and-off-premises~~ wine and beer licenses pursuant
1987 to ~~this section or subsection B of § 4.1-210~~ the following provisions may conduct wine or beer tastings
1988 sponsored by the licensee for its customers for on-premises consumption: subdivision A 1, 4, 5, 6, 7, 8, or
1989 14 of § 4.1-206.3; subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3; subdivision C 1 or 2 of § 4.1-206.3;
1990 subdivision D 1 a, 1 b, 1 d, or 2 a of § 4.1-206.3; or subdivision F 4 or 5 of § 4.1-206.3. Such licensees
1991 may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose

1992 of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally,
 1993 with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held
 1994 by licensees authorized to conduct tastings, including the pouring of samples to any person to whom
 1995 alcoholic beverages may be lawfully sold. ~~Samples of wine shall not exceed two ounces per person.~~
 1996 ~~Samples of beer shall not exceed four ounces per person.~~ No single sample shall exceed four ounces of
 1997 beer or two ounces of wine, and no more than four total samples of alcoholic beverage products shall be
 1998 given or sold to any person per day.

1999 **§ 4.1-209.1. Direct shipment of wine and beer; shipper's license.**

2000 A. Holders of wine ~~shippers' licenses~~ and beer shippers' licenses issued pursuant to ~~this section~~
 2001 subdivision F 1 of § 4.1-206.3 may sell and ship not more than two cases of wine per month nor more
 2002 than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully
 2003 sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of
 2004 wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer
 2005 shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or
 2006 farm winery located within or outside the Commonwealth may apply to the Board for issuance of a wine
 2007 and beer shipper's license that shall authorize the shipment of brands of wine and farm wine identified in
 2008 such application. Any brewery located within or outside the Commonwealth may apply to the Board for
 2009 issuance of a wine and beer shipper's license that shall authorize the shipment of brands of beer identified
 2010 in such application. Any person located within or outside the Commonwealth who is authorized to sell
 2011 wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may
 2012 nevertheless apply for a wine ~~or~~ and beer shipper's license, ~~or both,~~ if such person satisfies the
 2013 requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or
 2014 authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such
 2015 brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have
 2016 been authorized to distribute such brands that an application has been filed for a shipper's license. The
 2017 notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations
 2018 as it reasonably deems necessary to implement the provisions of this section, including regulations that

2019 permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any
2020 brands of wine, farm wine, or beer identified in such shipper's license.

2021 B. Any applicant for a wine-~~or~~ and beer shipper's license that does not own or have the right to
2022 control the distribution of the brands of wine, farm wine, or beer identified in such person's application
2023 may be issued a shipper's license for wine-~~or~~ and beer-~~or both~~, if the applicant has obtained and filed with
2024 its application for a shipper's license, and with any subsequent application for renewal thereof, the written
2025 consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are
2026 identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by
2027 the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor,
2028 that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its
2029 brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from
2030 withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery,
2031 or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw
2032 from such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee
2033 shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or
2034 brands from the shipper's license.

2035 C. The direct shipment of beer and wine by holders of licenses issued pursuant to ~~this section~~
2036 subdivision F 1 of § 4.1-206.3 shall be by approved common carrier only. The Board shall develop
2037 regulations pursuant to which common carriers may apply for approval to provide common carriage of
2038 wine or beer, ~~or both~~, shipped by holders of licenses issued pursuant to ~~this section~~ subdivision F 1 of §
2039 4.1-206.3. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon
2040 delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other
2041 acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to
2042 submit to the Board such information as the Board may prescribe. The Board-approved common carrier
2043 shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to
2044 present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a
2045 conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within

2046 or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC
2047 BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR
2048 DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a
2049 violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their
2050 independent acts.

2051 D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each
2052 shipment of wine or beer by a wine ~~shipper licensee or a~~ and beer shipper licensee shall constitute a sale
2053 in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes
2054 monthly to the Authority and any sales taxes to the Department of Taxation.

2055 E. Notwithstanding the provisions of § 4.1-203, the holder of a wine ~~shipper license or~~ and beer
2056 shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-
2057 the-month club at in-state or out-of-state locations for which a license for on-premises consumption has
2058 been issued, other than the place where the licensee carries on the business for which the license is granted.
2059 For the purposes of this subsection, "wine-of-the-month club" or "beer-of-the-month club" shall mean an
2060 agreement between an in-state or out-of-state holder of a wine ~~shipper license or~~ and beer shipper license
2061 and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell
2062 and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for
2063 an agreed term of months.

2064 F. Notwithstanding the provisions of § 4.1-203, a wine ~~or~~ and beer shipper licensee may ship wine
2065 or beer as authorized by this section through the use of the services of an approved fulfillment warehouse.
2066 For the purposes of this section, a "fulfillment warehouse" means a business operating a warehouse and
2067 providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop
2068 regulations pursuant to which fulfillment warehouses may apply for approval to provide storage,
2069 packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations
2070 shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately
2071 licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-
2072 approved fulfillment warehouse to maintain such records and to submit to the Board such information as

2073 the Board may prescribe, and (iii) the fulfillment warehouse and each wine-~~or~~ and beer shipper licensed
2074 under ~~this section~~ subdivision F 1 of § 4.1-206.3 to whom services are provided to enter into a contract
2075 designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the
2076 provisions of this section.

2077 G. Notwithstanding the provisions of § 4.1-203, a wine-~~or~~ and beer shipper licensee may sell wine
2078 or beer as authorized by this section through the use of the services of an approved marketing portal. For
2079 the purposes of this section, a "marketing portal" means a business organized as an agricultural cooperative
2080 association under the laws of a state, soliciting and receiving orders for wine or beer and accepting and
2081 processing payment of such orders as the agent of a licensed wine-~~or~~ and beer shipper. The Board shall
2082 develop regulations pursuant to which marketing portals may apply for approval to provide marketing
2083 services to holders of licenses issued pursuant to ~~this section~~ subdivision F 1 of § 4.1-206.3. Such
2084 regulations shall include provisions that require (i) the marketing portal to demonstrate that it is
2085 appropriately organized as an agricultural cooperative association and licensed for the services to be
2086 provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to
2087 maintain such records and to submit to the Board such information as the Board may prescribe, and (iii)
2088 the marketing portal and each wine-~~or~~ and beer shipper licensed under this section to whom services are
2089 provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes
2090 of complying with the provisions of this section.

2091 **§ 4.1-211. Temporary licenses.**

2092 Notwithstanding subsection D of § 4.1-203, the Board may grant a temporary license to any of the
2093 licensed retail operations authorized by ~~§§ 4.1-206 through 4.1-210~~ § 4.1-206.3. A temporary license may
2094 be granted only after an application has been filed in accordance with the provisions of § 4.1-230 and in
2095 cases where the sole objection to granting a license is that the establishment will not be qualified in terms
2096 of the sale of food. If a temporary license is not granted, the applicant is entitled to a hearing on the issue
2097 of qualifications. The decision to refuse to grant a temporary license shall not be subject to a hearing.

2098 If a temporary license is granted, the Board shall conduct an audit of the business after a reasonable
2099 period of operation not to exceed 180 days. If the audit indicates that the business is qualified, the license

2100 applied for may be granted. If the audit indicates that the business is not qualified, the applicant is entitled
2101 to a hearing. No further temporary license shall be granted to the applicant or to any other person at that
2102 location for a period of one year from expiration and, once the application becomes the subject of a
2103 hearing, no temporary license may be granted.

2104 A temporary license may be revoked summarily by the Board for any cause set forth in § 4.1-225
2105 without complying with subsection A of § 4.1-227. Revocation of a temporary license shall be effective
2106 upon service of the order of revocation upon the licensee or upon the expiration of three business days
2107 after the order of the revocation has been mailed to the licensee either at his residence or the address given
2108 for the business in the license application. No further notice shall be required.

2109 **§ 4.1-212. Permits required in certain instances.**

2110 A. The Board may grant the following permits which shall authorize:

2111 1. Wine and beer salesmen representing any out-of-state wholesaler engaged in the sale of wine
2112 and beer, or either, to sell or solicit the sale of wine or beer, or both in the Commonwealth.

2113 2. Any person having any interest in the manufacture, distribution or sale of spirits or other
2114 alcoholic beverages to solicit any mixed beverage licensee, his agent, employee or any person connected
2115 with the licensee in any capacity in his licensed business to sell or offer for sale such spirits or alcoholic
2116 beverages.

2117 3. Any person to keep upon his premises alcoholic beverages which he is not authorized by any
2118 license to sell and which shall be used for culinary purposes only.

2119 4. Any person to transport lawfully purchased alcoholic beverages within, into or through the
2120 Commonwealth, except that no permit shall be required for any person shipping or transporting into the
2121 Commonwealth a reasonable quantity of alcoholic beverages when such person is relocating his place of
2122 residence to the Commonwealth in accordance with § 4.1-310.

2123 5. Any person to keep, store or possess any still or distilling apparatus.

2124 6. The release of alcoholic beverages not under United States custom bonds or internal revenue
2125 bonds stored in Board approved warehouses for delivery to the Board or to persons entitled to receive
2126 them within or outside of the Commonwealth.

2127 7. The release of alcoholic beverages from United States customs bonded warehouses for delivery
2128 to the Board or to licensees and other persons enumerated in subsection B of § 4.1-131.

2129 8. The release of alcoholic beverages from United States internal revenue bonded warehouses for
2130 delivery in accordance with subsection C of § 4.1-132.

2131 9. A secured party or any trustee, curator, committee, conservator, receiver or other fiduciary
2132 appointed or qualified in any court proceeding, to continue to operate under the licenses previously issued
2133 to any deceased or other person licensed to sell alcoholic beverages for such period as the Board deems
2134 appropriate.

2135 10. The one-time sale of lawfully acquired alcoholic beverages belonging to any person, or which
2136 may be a part of such person's estate, including a judicial sale, estate sale, sale to enforce a judgment lien
2137 or liquidation sale to satisfy indebtedness secured by a security interest in alcoholic beverages, by a sheriff,
2138 personal representative, receiver or other officer acting under authority of a court having jurisdiction in
2139 the Commonwealth, or by any secured party as defined in subdivision (a)(73) of § 8.9A-102 of the Virginia
2140 Uniform Commercial Code. Such sales shall be made only to persons who are licensed or hold a permit
2141 to sell alcoholic beverages in the Commonwealth or to persons outside the Commonwealth for resale
2142 outside the Commonwealth and upon such conditions or restrictions as the Board may prescribe.

2143 11. Any person who purchases at a foreclosure, secured creditor's or judicial auction sale the
2144 premises or property of a person licensed by the Board and who has become lawfully entitled to the
2145 possession of the licensed premises to continue to operate the establishment to the same extent as a person
2146 holding such licenses for a period not to exceed 60 days or for such longer period as determined by the
2147 Board. Such permit shall be temporary and shall confer the privileges of any licenses held by the previous
2148 owner to the extent determined by the Board. Such temporary permit may be issued in advance,
2149 conditioned on the above requirements.

2150 ~~12. The sale of wine and beer in kegs by any person licensed to sell wine or beer, or both, at retail~~
2151 ~~for off-premises consumption.~~

2152 ~~13. The storage of lawfully acquired alcoholic beverages not under customs bond or internal~~
2153 ~~revenue bond in warehouses located in the Commonwealth.~~

2154 ~~14-13.~~ The storage of wine by a licensed winery or farm winery under internal revenue bond in
2155 warehouses located in the Commonwealth.

2156 ~~15-14.~~ Any person to conduct tastings in accordance with § 4.1-201.1, provided that such person
2157 has filed an application for a permit in which the applicant represents (i) that he or she is under contract
2158 to conduct such tastings on behalf of the alcoholic beverage manufacturer or wholesaler named in the
2159 application; (ii) that such contract grants to the applicant the authority to act as the authorized
2160 representative of such manufacturer or wholesaler; and (iii) that such contract contains an
2161 acknowledgment that the manufacturer or wholesaler named in the application may be held liable for any
2162 violation of § 4.1-201.1 by its authorized representative. A permit issued pursuant to this subdivision shall
2163 be valid for at least one year, unless sooner suspended or revoked by the Board in accordance with § 4.1-
2164 229.

2165 ~~16-15.~~ Any person who, through contract, lease, concession, license, management or similar
2166 agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the
2167 premises of a person licensed by the Board to continue to operate the establishment to the same extent as
2168 a person holding such licenses, provided such person has made application to the Board for a license at
2169 the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner
2170 to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period
2171 as may be necessary as determined by the Board pending the completion of the processing of the
2172 permittee's license application. No permit shall be issued without the written consent of the previous
2173 licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes
2174 any state or local taxes, or has any pending charges for violation of this title or any Board regulation,
2175 unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for
2176 the pending charges. An application for a permit may be filed prior to the effective date of the contract, in
2177 which case the permit when issued shall become effective on the effective date of the contract. Upon the
2178 effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of
2179 this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation
2180 of this title or any Board regulation committed by, or any errors or omissions of, the permittee.

2181 ~~17-16.~~ Any sight-seeing carrier or contract passenger carrier as defined in § 46.2-2000 transporting
 2182 individuals for compensation to a winery, brewery, or restaurant, licensed under this chapter and
 2183 authorized to conduct tastings, to collect the licensee's tasting fees from tour participants for the sole
 2184 purpose of remitting such fees to the licensee.

2185 ~~18-17.~~ Any tour company guiding individuals for compensation on a culinary walking tour to one
 2186 or more establishments licensed to sell alcoholic beverages at retail for on-premises consumption to collect
 2187 as one fee from tour participants (i) the licensee's fee for the food and alcoholic beverages served as part
 2188 of the tour and (ii) a fee for the culinary walking tour service. The tour company shall remit to the licensee
 2189 any fee collected for the food and alcoholic beverages served as part of the tour. Food cooked or prepared
 2190 on the premises of such licensed establishments shall be served at each such establishment on the tour.

2191 B. Nothing in subdivision 9, 10, or 11 shall authorize any brewery, winery or affiliate or a
 2192 subsidiary thereof which has supplied financing to a wholesale licensee to manage and operate the
 2193 wholesale licensee in the event of a default, except to the extent authorized by subdivision B 3 a of § 4.1-
 2194 216.

2195 **§ 4.1-212.1. Delivery of wine and beer; kegs; regulations of Board.**

2196 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is
 2197 authorized to engage in the retail sale of wine or beer for off-premises consumption may ~~apply to the~~
 2198 ~~Board for issuance of a delivery permit that shall authorize the delivery of~~ deliver the brands of beer, wine,
 2199 and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers
 2200 within the Commonwealth for personal off-premises consumption.

2201 B. Any person ~~located within or outside the Commonwealth who is authorized~~ licensed to sell
 2202 wine ~~or~~ and beer at retail for off-premises consumption ~~in their state of domicile~~ the Commonwealth, and
 2203 who is not a brewery, winery, or farm winery, may ~~apply for a delivery permit that shall authorize the~~
 2204 ~~delivery of any~~ deliver the brands of beer, wine, and farm wine ~~it he~~ is authorized to sell ~~in its state of~~
 2205 ~~domicile~~, in closed containers, to consumers within the Commonwealth for personal off-premises
 2206 consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a
 2207 person's vehicle if located in a designated parking area of the licensee's premises where such person has

2208 electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as
2209 may be permitted by Board regulation.

2210 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail
2211 for off-premises consumption in his state of domicile, and who is not a brewery, winery, or farm winery,
2212 may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm
2213 wine he is authorized to sell in his state of domicile, in closed containers, to consumers within the
2214 Commonwealth for personal off-premises consumption.

2215 ~~C.~~D. All such deliveries shall be to consumers within the Commonwealth for personal
2216 consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed
2217 by either (i) the owner or any agent, officer, director, shareholder, or employee of the licensee or permittee
2218 or (ii) an independent contractor of the licensee or permittee, provided that (a) the licensee or permittee
2219 has entered into a written agreement with the independent contractor establishing that the licensee or
2220 permittee shall be vicariously liable for any administrative violations of this section or § 4.1-304
2221 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on
2222 behalf of the licensee or permittee and (b) only one individual takes possession of the beer, wine, or farm
2223 wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer
2224 may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold,
2225 except that the licensee or permittee may deliver more than four cases of wine or more than four cases of
2226 beer if he notifies the ~~Department~~ Authority in writing at least one business day in advance of any such
2227 delivery, which notice contains the name and address of the intended recipient. The Board may adopt such
2228 regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations
2229 shall include provisions that require ~~(i)~~ (1) the recipient to demonstrate, upon delivery, that he is at least
2230 21 years of age and ~~(ii)~~ (2) the recipient to sign an electronic or paper form or other acknowledgement of
2231 receipt as approved by the Board.

2232 ~~D.~~E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each
2233 delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or

2234 permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the
2235 Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

2236 F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises
2237 consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation.
2238 The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration
2239 seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board,
2240 designed to be affixed to kegs, and displays a registration number and such other information as may be
2241 prescribed by the Board.

2242 **§ 4.1-215. Limitation on manufacturers, bottlers, and wholesalers; exemptions.**

2243 A. 1. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages
2244 shall be granted to any (i) manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed
2245 in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler, or wholesaler; (iii)
2246 partnership or corporation, where any partner or stockholder is an officer or director of any such
2247 manufacturer, bottler, or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns
2248 or has interest in another subsidiary corporation which is a manufacturer, bottler, or wholesaler of
2249 alcoholic beverages; or (v) manufacturer, bottler, or wholesaler of alcoholic beverages who has a financial
2250 interest in a corporation which has a retail license as a result of a holding company, which owns or has an
2251 interest in such manufacturer, bottler, or wholesaler of alcoholic beverages. Nor shall such licenses be
2252 granted in any instances where such manufacturer, bottler, or wholesaler and such retailer are under
2253 common control, by stock ownership or otherwise.

2254 2. Notwithstanding any other provision of this title:

2255 a. ~~A manufacturer of malt beverages, whether licensed in the Commonwealth or not, may obtain~~
2256 ~~a banquet license as provided in § 4.1-209 upon application to the Board, provided that the event for which~~
2257 ~~a banquet license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of~~
2258 ~~featuring and educating the consuming public about malt beverage products. Such manufacturer shall be~~
2259 ~~limited to eight banquet licenses for such events per year without regard to the number of breweries owned~~
2260 ~~or operated by such manufacturer or by any parent, subsidiary, or company under common control with~~

2261 such manufacturer. Where the event occurs on no more than three consecutive days, a manufacturer need
2262 only obtain one such license for the event; or

2263 ~~b. A.~~ a manufacturer of wine or malt beverages, whether licensed in the Commonwealth or not,
2264 may obtain a banquet license as provided in § ~~4.1-209~~ 4.1-206.3 upon application to the Board, provided
2265 that the event for which a banquet license is obtained is (i) at a place approved by the Board and (ii)
2266 conducted for the purposes of featuring and educating the consuming public about wine or malt beverage
2267 products. Such manufacturer shall be limited to eight banquet licenses for such events per year without
2268 regard to the number of wineries owned or operated by such manufacturer or by any parent, subsidiary,
2269 or company under common control with such manufacturer. Where the event occurs on no more than three
2270 consecutive days, a manufacturer need only obtain one such license for the event.

2271 3. Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether
2272 licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in
2273 subdivision ~~A 4 D 1 b~~ of § ~~4.1-210~~ 4.1-206.3 upon application to the Board, provided that such event is
2274 (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the
2275 consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more
2276 than eight banquet licenses for such special events per year. Where the event occurs on no more than three
2277 consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license
2278 shall authorize the manufacturer to sell or give samples of spirits to any person to whom alcoholic
2279 beverages may be lawfully sold in designated areas at the special event, provided that (a) no single sample
2280 shall exceed one-half ounce per spirits product offered, unless served as a mixed beverage, in which case
2281 a single sample may contain up to one and one-half ounces of spirits, and (b) no more than three ounces
2282 of spirits may be offered to any patron per day. Nothing in this paragraph shall prohibit such manufacturer
2283 from serving such samples as part of a mixed beverage.

2284 B. This section shall not apply to:

2285 1. Corporations operating dining cars, buffet cars, club cars, or boats;

2286 2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of §
2287 4.1-201;

2288 3. Farm winery licensees engaging in conduct authorized by subdivision ~~5~~ 6 of § ~~4.1-207~~ 4.1-
 2289 206.1;

2290 4. Manufacturers, bottlers, or wholesalers of alcoholic beverages who do not (i) sell or otherwise
 2291 furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license
 2292 or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person
 2293 to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers, or
 2294 wholesalers;

2295 5. Wineries, farm wineries, or breweries engaging in conduct authorized by subsection F of § 4.1-
 2296 206.3 or § 4.1-209.1 or 4.1-212.1; or

2297 6. One out-of-state winery, not under common control or ownership with any other winery, that is
 2298 under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long
 2299 as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the
 2300 restaurant before it is offered for sale to consumers.

2301 C. The General Assembly finds that it is necessary and proper to require a separation between
 2302 manufacturing interests, wholesale interests, and retail interests in the production and distribution of
 2303 alcoholic beverages in order to prevent suppliers from dominating local markets through vertical
 2304 integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing
 2305 techniques. The exceptions established by this section to the general prohibition against tied interests shall
 2306 be limited to their express terms so as not to undermine the general prohibition and shall therefore be
 2307 construed accordingly.

2308 **§ 4.1-221.1. (Effective until July 1, 2020) Limitation of tasting licenses.**

2309 ~~Samples~~ Single samples of alcoholic beverages given or sold by a licensee shall not exceed four
 2310 ounces of beer, two ounces per person of each product tasted, ~~provided that (i) in the case of wine or beer,~~
 2311 of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of
 2312 spirits may contain up to one and one-half ounces of spirits; and no more than four total samples of
 2313 alcoholic beverage products shall be offered or (ii), in the case of spirits samples, no more than ~~two~~
 2314 products three ounces of spirits shall be offered to any person per day. Tasting licenses for mixed

2315 beverages shall only be issued for events to be held in localities which have approved the sale of mixed
 2316 beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail
 2317 license is prohibited. No more than four tasting licenses annually shall be issued to any person. The
 2318 provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

2319 **§ 4.1-221.1. (Effective July 1, 2020) Limitation of tasting licenses.**

2320 ~~Samples~~ Single samples of alcoholic beverages given or sold by a licensee shall not exceed four
 2321 ounces of beer, two ounces per person of each product tasted, provided that (i) in the case of wine or beer,
 2322 of wine, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of
 2323 spirits may contain up to one and one-half ounces of spirits; and no more than four total samples of
 2324 alcoholic beverage products shall be offered or (ii), in the case of spirits samples, no more than two
 2325 products, three ounces of spirits shall be offered to any person per day. Tasting licenses for mixed
 2326 beverages shall only be issued for events to be held in localities that do not prohibit the sale of mixed
 2327 beverages pursuant to § 4.1-124. No license shall be issued to any person to whom issuance of a retail
 2328 license is prohibited. No more than four tasting licenses annually shall be issued to any person. The
 2329 provisions of this section shall not apply to tastings conducted pursuant to § 4.1-201.1.

2330 **§ 4.1-223. Conditions under which Board shall refuse to grant licenses.**

2331 The Board shall refuse to grant any:

2332 1. Wholesale beer or wine license to any person, unless such person has established or will
 2333 establish a place or places of business within the Commonwealth at which will be received and from which
 2334 will be distributed all alcoholic beverages sold by such person in the Commonwealth. However, in special
 2335 circumstances, the Board, subject to any regulations it may adopt, may permit alcoholic beverages to be
 2336 received into or distributed from places other than established places of business.

2337 2. Wholesale beer license or wholesale wine license to any entity that is owned, in whole or in
 2338 part, by any manufacturer of alcoholic beverages, any subsidiary or affiliate of such manufacturer or any
 2339 person under common control with such manufacturer. This subdivision, however, shall not apply to (i)
 2340 any applicant for a wholesale beer or wine license filed pursuant to subdivision B 3 b of § 4.1-216 or (ii)

2341 the nonprofit, nonstock corporation established pursuant to subdivision B 2 of § 3.2-102 in exercising any
2342 privileges granted under ~~§ 4.1-207.1~~ subdivision 3 of § 4.1-206.2.

2343 As used in this subdivision, the term "manufacturer" includes any person (i) who brews, vinifies
2344 or distills alcoholic beverages for sale or (ii) engaging in business as a contract brewer, winery or distillery
2345 that owns alcoholic beverage product brand rights, but arranges the manufacture of such products by
2346 another person.

2347 3. Mixed beverage license if the Board determines that in the licensed establishment there (i) is
2348 entertainment of a lewd, obscene or lustful nature including what is commonly called stripteasing, topless
2349 entertaining, and the like, or which has employees who are not clad both above and below the waist, or
2350 who uncommonly expose the body or (ii) are employees who solicit the sale of alcoholic beverages.

2351 4. Wholesale wine license until the applicant has filed with the Board a bond payable to the
2352 Commonwealth, in a sum not to exceed \$10,000, upon a form approved by the Board, signed by the
2353 applicant or licensee and a surety company authorized to do business in the Commonwealth as surety, and
2354 conditioned upon such person's (i) securing wine only in a manner provided by law, (ii) remitting to the
2355 Board the proper tax thereon, (iii) keeping such records as may be required by law or Board regulations,
2356 and (iv) abiding by such other laws or Board regulations relative to the handling of wine by wholesale
2357 wine licensees. The Board may waive the requirement of both the surety and the bond in cases where the
2358 wholesaler has previously demonstrated his financial responsibility.

2359 5. Mixed beverage license to any member, agent or employee of the Board or to any corporation
2360 or other business entity in which such member, agent or employee is a stockholder or has any other
2361 economic interest.

2362 Whenever any other elective or appointive official of the Commonwealth or any political
2363 subdivision thereof applies for such a license or continuance thereof, he shall state on the application the
2364 official position he holds, and whenever a corporation or other business entity in which any such official
2365 is a stockholder or has any other economic interests applies for such a license, it shall state on the
2366 application the full economic interest of each such official in such corporation or other business entity.

2367 6. License authorized by this chapter until the license tax required by § ~~4.1-231~~ 4.1-231.1 is paid
2368 to the Board.

2369 **§ 4.1-225.1. Summary suspension in emergency circumstances; grounds; notice and hearing.**

2370 A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the
2371 Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or
2372 permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily
2373 injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises
2374 immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion
2375 of public property immediately adjacent to the licensed premises, and the Board finds that there exists a
2376 continuing threat to public safety and that summary suspension of the license or permit is justified to
2377 protect the health, safety, or welfare of the public.

2378 B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall
2379 conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of
2380 any such act of violence. If the Board determines suspension is warranted, it shall immediately notify the
2381 licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation.
2382 Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period,
2383 the licensee may petition the Board for a restricted license pending the results of the formal investigation
2384 and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the
2385 Board shall have discretion to impose appropriate restrictions based on the facts presented.

2386 C. Upon a determination to temporarily suspend a license, the Board shall immediately commence
2387 a formal investigation. The formal investigation shall be completed within 10 days of its commencement
2388 and the findings reported immediately to the Secretary of the Board. If, following the formal investigation,
2389 the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held
2390 within five days of the completion of the formal investigation. A decision shall be rendered within 10 days
2391 of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing,
2392 the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be

2393 filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board
2394 shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

2395 D. Service of any order of suspension issued pursuant to this section shall be made by a special
2396 agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect
2397 immediately upon service.

2398 E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary
2399 permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-
2400 211, or (ii) licenses granted pursuant to subdivision 7 or 8 of § 4.1-206.1 or subdivision 1 or 2-or-3 of §
2401 4.1-207 or subdivision 4 or 5 of § 4.1-208 4.1-206.2.

2402 **§ 4.1-227. Suspension or revocation of licenses; notice and hearings; imposition of penalties.**

2403 A. Except for temporary licenses, before the Board may impose a civil penalty against a brewery
2404 licensee or suspend or revoke any license, reasonable notice of such proposed or contemplated action shall
2405 be given to the licensee in accordance with the provisions of § 2.2-4020 of the Administrative Process Act
2406 (§ 2.2-4000 et seq.).

2407 Notwithstanding the provisions of § 2.2-4022, the Board shall, upon written request by the
2408 licensee, permit the licensee to inspect and copy or photograph all (i) written or recorded statements made
2409 by the licensee or copies thereof or the substance of any oral statements made by the licensee or a previous
2410 or present employee of the licensee to any law-enforcement officer, the existence of which is known by
2411 the Board and upon which the Board intends to rely as evidence in any adversarial proceeding under this
2412 chapter against the licensee, and (ii) designated books, papers, documents, tangible objects, buildings, or
2413 places, or copies or portions thereof, that are within the possession, custody, or control of the Board and
2414 upon which the Board intends to rely as evidence in any adversarial proceeding under this chapter against
2415 the licensee. In addition, any subpoena for the production of documents issued to any person at the request
2416 of the licensee or the Board pursuant to § 4.1-103 shall provide for the production of the documents sought
2417 within ten working days, notwithstanding anything to the contrary in § 4.1-103.

2418 If the Board fails to provide for inspection or copying under this section for the licensee after a
2419 written request, the Board shall be prohibited from introducing into evidence any items the licensee would
2420 have lawfully been entitled to inspect or copy under this section.

2421 The action of the Board in suspending or revoking any license or in imposing a civil penalty against
2422 the holder of a brewery license shall be subject to judicial review in accordance with the Administrative
2423 Process Act. Such review shall extend to the entire evidential record of the proceedings provided by the
2424 Board in accordance with the Administrative Process Act. An appeal shall lie to the Court of Appeals
2425 from any order of the court. Notwithstanding § 8.01-676.1, the final judgment or order of the circuit court
2426 shall not be suspended, stayed or modified by such circuit court pending appeal to the Court of Appeals.
2427 Neither mandamus nor injunction shall lie in any such case.

2428 B. In suspending any license the Board may impose, as a condition precedent to the removal of
2429 such suspension or any portion thereof, a requirement that the licensee pay the cost incurred by the Board
2430 in investigating the licensee and in holding the proceeding resulting in such suspension, or it may impose
2431 and collect such civil penalties as it deems appropriate. In no event shall the Board impose a civil penalty
2432 exceeding \$2,000 for the first violation occurring within five years immediately preceding the date of the
2433 violation or \$5,000 for the second violation occurring within five years immediately preceding the date of
2434 the second violation. However, if the violation involved selling alcoholic beverages to a person prohibited
2435 from purchasing alcoholic beverages or allowing consumption of alcoholic beverages by underage,
2436 intoxicated, or interdicted persons, the Board may impose a civil penalty not to exceed \$3,000 for the first
2437 violation occurring within five years immediately preceding the date of the violation and \$6,000 for a
2438 second violation occurring within five years immediately preceding the date of the second violation in
2439 lieu of such suspension or any portion thereof, or both. ~~Upon making a finding that aggravating~~
2440 ~~circumstances exist, the~~ The Board may also impose a requirement that the licensee pay for the cost
2441 incurred by the Board not exceeding \$10,000 in investigating the licensee and in holding the proceeding
2442 resulting in the violation in addition to any suspension or civil penalty incurred.

2443 C. Following notice to (i) the licensee of a hearing that may result in the suspension or revocation
2444 of his license or (ii) the applicant of a hearing to resolve a contested application, the Board may accept a

2445 consent agreement as authorized in subdivision 22 of § 4.1-103. The notice shall advise the licensee or
2446 applicant of the option to (a) admit the alleged violation or the validity of the objection; (b) waive any
2447 right to a hearing or an appeal under the Virginia Administrative Process Act (§ 2.2-4000 et seq.); and
2448 (c)(1) accept the proposed restrictions for operating under the license, (2) accept the period of suspension
2449 of the licensed privileges within the Board's parameters, (3) pay a civil penalty in lieu of the period of
2450 suspension, or any portion of the suspension as applicable, or (4) proceed to a hearing.

2451 D. In case of an offense by the holder of a brewery license, the Board may (i) require that such
2452 holder pay the costs incurred by the Board in investigating the licensee, (ii) suspend or revoke the on-
2453 premises privileges of the brewery, and (iii) impose a civil penalty not to exceed \$25,000 for the first
2454 violation, \$50,000 for the second violation, and for the third or any subsequent violation, suspend or
2455 revoke such license or, in lieu of any suspension or portion thereof, impose a civil penalty not to exceed
2456 \$100,000. Such suspension or revocation shall not prohibit the licensee from manufacturing or selling
2457 beer manufactured by it to the owners of boats registered under the laws of the United States sailing for
2458 ports of call of a foreign country or another state, and to persons outside the Commonwealth.

2459 E. The Board shall, by regulation or written order:

2460 1. Designate those (i) objections to an application or (ii) alleged violations that will proceed to an
2461 initial hearing;

2462 2. Designate the violations for which a waiver of a hearing and payment of a civil charge in lieu
2463 of suspension may be accepted for a first offense occurring within three years immediately preceding the
2464 date of the violation;

2465 3. Provide for a reduction in the length of any suspension and a reduction in the amount of any
2466 civil penalty for any retail licensee where the licensee can demonstrate that it provided to its employees
2467 alcohol server or seller training certified in advance by the Board;

2468 4. Establish a schedule of penalties for such offenses, prescribing the appropriate suspension of a
2469 license and the civil charge acceptable in lieu of such suspension; and

2470 5. Establish a schedule of offenses for which any penalty may be waived upon a showing that the
2471 licensee has had no prior violations within five years immediately preceding the date of the violation. No

2472 waiver shall be granted by the Board, however, for a licensee's willful and knowing violation of this title
2473 or Board regulations.

2474 **§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**

2475 A. Every person intending to apply for any license authorized by this chapter shall file with the
2476 Board an application on forms provided by the Board and a statement in writing by the applicant swearing
2477 and affirming that all of the information contained therein is true.

2478 Applicants for retail licenses for establishments that serve food or are otherwise required to obtain
2479 a food establishment permit from the Department of Health or an inspection by the Department of
2480 Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a
2481 pending application for such permit, or proof of a pending request for such inspection. If the applicant
2482 provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof
2483 of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on
2484 the basis of a pending application or inspection, such license shall authorize the licensee to purchase
2485 alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or
2486 serve alcoholic beverages until a permit is issued or an inspection is completed.

2487 B. In addition, each applicant for a license under the provisions of this chapter, except applicants
2488 for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, ~~wine or~~
2489 ~~beer shipper's~~, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued
2490 under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice
2491 of his application with the Board on the front door of the building, place or room where he proposes to
2492 engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size
2493 and contain such information as required by the Board, including a statement that any objections shall be
2494 submitted to the Board not more than 30 days following initial publication of the notice required pursuant
2495 to this subsection.

2496 The applicant shall also cause notice to be published at least once a week for two consecutive
2497 weeks in a newspaper published in or having a general circulation in the county, city or town wherein
2498 such applicant proposes to engage in such business. Such notice shall contain such information as required

2499 by the Board, including a statement that any objections to the issuance of the license be submitted to the
2500 Board not later than 30 days from the date of the initial newspaper publication. In the case of ~~wine or beer~~
2501 ~~shipper's licenses~~, wine and beer shipper's licensees, delivery permittees or operators of boats, dining
2502 cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

2503 Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club
2504 events, annual mixed beverage banquet, ~~wine or beer shipper's~~, wine and beer shipper's, beer or wine
2505 importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to
2506 include a criminal history records search, which may include a fingerprint-based national criminal history
2507 records search, on each applicant for a license. However, the Board may waive, for good cause shown,
2508 the requirement for a criminal history records search and completed personal data form for officers,
2509 directors, nonmanaging members, or limited partners of any applicant corporation, limited liability
2510 company, or limited partnership.

2511 Except for applicants for ~~wine shipper's, beer shipper's~~, wine and beer shipper's licenses, and
2512 delivery permits, the Board shall notify the local governing body of each license application through the
2513 county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall
2514 submit objections to the granting of a license within 30 days of the filing of the application.

2515 C. Each applicant shall pay the required application fee at the time the application is filed. Each
2516 license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus
2517 the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the
2518 Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of
2519 Investigation or the Central Criminal Records Exchange for each criminal history records search required
2520 by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the
2521 application fee shall be \$15. The application fee for banquet special event and mixed beverage special
2522 event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant
2523 to ~~§ 4.1-231~~ 4.1-231.1 and shall not be refunded.

2524 D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however,
2525 all licensees shall file and maintain with the Board a current, accurate record of the information required

2526 by the Board pursuant to subsection A and notify the Board of any changes to such information in
2527 accordance with Board regulations.

2528 E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the
2529 Board. In the case of applications to solicit the sale of (i) wine and beer or (ii) spirits, each application
2530 shall be accompanied by a fee of ~~\$165 and \$390, respectively~~ \$350. ~~The fee for each such permit shall be~~
2531 ~~subject to proration to the following extent: If the permit is granted in the second quarter of any year, the~~
2532 ~~fee shall be decreased by one fourth; if granted in the third quarter of any year, the fee shall be decreased~~
2533 ~~by one half; and if granted in the fourth quarter of any year, the fee shall be decreased by three fourths.~~
2534 ~~Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended~~
2535 ~~or revoked by the Board.~~ Such permits shall confer upon their holders no authority to make solicitations
2536 in the Commonwealth as otherwise provided by law.

2537 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section
2538 for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied
2539 by the number of months for which the permit is granted.

2540 ~~The fee for a keg registration permit shall be \$65 annually.~~

2541 The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs
2542 bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

2543 F. The Board shall have the authority to increase state license fees from the amounts set forth in §
2544 4.1-231.1 as it was in effect on July 1, 2021. The Board shall set the amount of such increases on the basis
2545 of the consumer price index and shall not increase fees more than once every three years.

2546 **§ 4.1-231.1. Fees on state licenses.**

2547 A. The annual fees on state licenses shall be as follows:

2548 1. Manufacturer licenses. For each:

2549 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or
2550 spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000
2551 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000
2552 gallons manufactured during such year, \$4,060;

2553 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
2554 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured
2555 during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured
2556 during such year, \$4,690;

2557 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which
2558 the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

2559 d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

2560 e. Wine importer's license, \$460; and

2561 f. Beer importer's license, \$460.

2562 2. Wholesale licenses. For each:

2563 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
2564 less, and \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer
2565 a year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

2566 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall
2567 be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
2568 license;

2569 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less
2570 per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
2571 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
2572 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of
2573 wine per year; and

2574 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
2575 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision
2576 b (1), multiplied by the number of separate locations covered by the license.

2577 3. Retail licenses - mixed beverage. For each:

2578 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
2579 restaurants located on premises of and operated by hotels or motels, or other persons;

- 2580 (1) With a seating capacity at tables for up to 100 persons, \$1,050;
- 2581 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
- 2582 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
- 2583 \$1,980;
- 2584 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
- 2585 \$2,500; and
- 2586 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
- 2587 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
- 2588 private, nonprofit clubs:
- 2589 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
- 2590 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
- 2591 \$2,440; and
- 2592 (3) With an average yearly membership of more than 500 resident members, \$3,410;
- 2593 c. Mixed beverage caterer's license, \$1,990;
- 2594 d. Mixed beverage limited caterer's license, \$550;
- 2595 e. Mixed beverage carrier license:
- 2596 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
- 2597 the Commonwealth by a common carrier of passengers by train;
- 2598 (2) \$910 for each common carrier of passengers by boat; and
- 2599 (3) \$2,360 for each license granted to a common carrier of passengers by airplane;
- 2600 f. Annual mixed beverage motor sports facility license, \$630;
- 2601 g. Limited mixed beverage restaurant license:
- 2602 (1) With a seating capacity at tables for up to 100 persons, \$945;
- 2603 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
- 2604 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
- 2605 h. Annual mixed beverage performing arts facility license, \$630;
- 2606 i. Bed and breakfast license, \$100;

- 2607 j. Museum license, \$260;
- 2608 k. Motor car sporting event facility license, \$300;
- 2609 l. Commercial lifestyle center license, \$300;
- 2610 m. Mixed beverage port restaurant license, \$1,050; and
- 2611 n. Annual mixed beverage special events license, \$630.
- 2612 4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and
- 2613 beer license, \$450.
- 2614 5. Retail licenses - off-premises wine and beer. For each:
- 2615 a. Retail off-premises wine and beer license, \$300;
- 2616 b. Gourmet brewing shop license, \$320; and
- 2617 c. Confectionery license, \$170.
- 2618 6. Retail licenses - banquet, special event, and tasting licenses.
- 2619 a. Per-day event licenses. For each:
- 2620 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by
- 2621 the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 2622 (2) Mixed beverage special events license, \$45 for each day of each event;
- 2623 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 2624 (4) Tasting license, \$40.
- 2625 b. Annual licenses. For each:
- 2626 (1) Annual banquet license, \$300;
- 2627 (2) Banquet facility license, \$260;
- 2628 (3) Local special events license, \$300;
- 2629 (4) Annual mixed beverage banquet license, \$630;
- 2630 (5) Equine sporting event license, \$300; and
- 2631 (6) Annual arts venue event license, \$300.
- 2632 7. Retail licenses - marketplace. For each marketplace license, \$2,000.
- 2633 8. Retail licenses - shipper, bottler, and related licenses. For each:

- 2634 a. Wine and beer shipper's license, \$230;
2635 b. Internet wine and beer retailer license, \$240;
2636 c. Bottler license, \$1,500;
2637 d. Fulfillment warehouse license, \$210; and
2638 e. Marketing portal license, \$285.
- 2639 9. Out-of-state delivery permits. For each out-of-state delivery permit authorized by § 4.1-212.1,
2640 \$350.
- 2641 10. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
2642 imposed by this section on the license for which the applicant applied.
- 2643 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall
2644 be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
2645 the number of months in the license period, and then increased by five percent. Such tax shall not be
2646 refundable, except as provided in § 4.1-232.
- 2647 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
2648 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
2649 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
2650 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
2651 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
2652 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the
2653 liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale
2654 merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be
2655 disregarded.
- 2656 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license
2657 purchased in person from the Board if such license is available for purchase online.
- 2658 **§ 4.1-232. Refund of state license tax.**
- 2659 A. The Board may correct erroneous assessments made by it against any person and make refunds
2660 of any amounts collected pursuant to erroneous assessments, or collected as taxes on licenses, which are

2661 subsequently refused or application therefor withdrawn, and to allow credit for any license taxes paid by
 2662 any licensee for any license that is subsequently merged or changed into another license during the same
 2663 license period. No refund shall be made of any such amount, however, unless made within three years
 2664 from the date of collection of the same.

2665 B. In any case where a licensee has changed its name or form of organization during a license
 2666 period without any change being made in its ownership, and because of such change is required to pay an
 2667 additional license tax for such period, the Board shall refund to such licensee the amount of such tax so
 2668 paid in excess of the required license tax for such period.

2669 C. The Board shall make refunds, prorated according to a schedule of its prescription, to licensees
 2670 of state license taxes paid pursuant to subsection A of ~~§ 4.1-231~~ 4.1-231.1 if the place of business
 2671 designated in the license is destroyed by an act of God, including but not limited to fire, earthquake,
 2672 hurricane, storm, or similar natural disaster or phenomenon.

2673 D. Any amount required to be refunded under this section shall be paid by the State Treasurer out
 2674 of moneys appropriated to the Board and in the manner prescribed in § 4.1-116.

2675 **§ 4.1-233.1. Fees on local licenses.**

2676 A. In addition to the state license taxes, the annual local license taxes that may be collected shall
 2677 not exceed the following sums:

2678 1. Manufacturer licenses. For each:

2679 a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than
 2680 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during
 2681 such year, \$1,000; and no local license shall be required for any person who manufactures not more than
 2682 5,000 gallons of alcohol or spirits, or both, during such license year;

2683 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
 2684 during the year in which the license is granted, \$250, and if more than 10,000 barrels manufactured during
 2685 such year, \$1,000;

2686 c. Winery license, \$50; and

2687 d. Farm winery license, \$50.

- 2688 2. Wholesale licenses. For each:
- 2689 a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and
- 2690 b. Wholesale wine license, \$50.
- 2691 3. Retail licenses - mixed beverage. For each:
- 2692 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
- 2693 restaurants located on premises of and operated by hotels or motels, or other persons:
- 2694 (1) With a seating capacity at tables for up to 100 persons, \$200;
- 2695 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;
- 2696 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
- 2697 \$500;
- 2698 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
- 2699 \$650; and
- 2700 (5) With a seating capacity at tables for more than 1,000 persons, \$800;
- 2701 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
- 2702 private, nonprofit clubs, \$350;
- 2703 c. Mixed beverage caterer's license, \$500;
- 2704 d. Mixed beverage limited caterer's license, \$100;
- 2705 e. Annual mixed beverage motor sports facility license, \$300;
- 2706 f. Limited mixed beverage restaurant license:
- 2707 (1) With a seating capacity at tables for up to 100 persons, \$100;
- 2708 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or
- 2709 (3) With a seating capacity at tables for more than 150 persons, \$400;
- 2710 g. Annual mixed beverage performing arts facility license, \$300;
- 2711 h. Bed and breakfast license, \$40;
- 2712 i. Museum license, \$10;
- 2713 j. Motor car sporting event facility license, \$10;
- 2714 k. Commercial lifestyle center license, \$60; and

- 2715 1. Annual mixed beverage special events license, \$300.
- 2716 4. Retail licenses - on-and-off-premises wine and beer. For each on-and-off premises wine and
- 2717 beer license issued to:
- 2718 a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;
- 2719 b. Hospitals, \$10;
- 2720 c. Rural grocery stores, \$37.50; and
- 2721 d. Historic cinema houses, \$20.
- 2722 5. Retail licenses - off-premises wine and beer. For each:
- 2723 a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;
- 2724 b. Gourmet brewing shop license, \$150; and
- 2725 c. Confectionery license, \$20.
- 2726 6. Retail licenses - banquet, special event, and tasting licenses. For each:
- 2727 a. Per-day event licenses. For each:
- 2728 (1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by
- 2729 the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
- 2730 (2) Mixed beverage special events license, \$10 for each day of each event;
- 2731 (3) Mixed beverage club events license, \$10 for each day of each event; and
- 2732 (4) Tasting license, \$10.
- 2733 b. Annual licenses. For each:
- 2734 (1) Annual banquet license, \$15;
- 2735 (2) Local special events license, \$60;
- 2736 (3) Annual mixed beverage banquet license, \$75;
- 2737 (4) Equine sporting event license, \$10; and
- 2738 (5) Annual arts venue event license, \$10.
- 2739 7. Retail licenses - marketplace. For each marketplace license, \$200.
- 2740 8. Retail licenses - shipper, bottler, and related licenses. For each:
- 2741 a. Wine and beer shipper's license, \$10; and

2742 b. Bottler license, \$500.

2743 B. Common carriers. — No local license tax shall be either charged or collected for the privilege
2744 of selling alcoholic beverages in (i) passenger trains, boats, or airplanes or (ii) rooms designated by the
2745 Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises
2746 consumption only.

2747 C. Merchants' and restaurants' license taxes. — The governing body of each county, city, or town
2748 in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local
2749 retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales,
2750 may include alcoholic beverages in the base for measuring such local license taxes the same as if the
2751 alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter
2752 shall exempt any licensee from any local merchants' or local restaurant license tax, but such local
2753 merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license
2754 taxes authorized by this chapter.

2755 The governing body of any county, city, or town, in adopting an ordinance under this section, shall
2756 provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under
2757 the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler,
2758 purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of
2759 beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the
2760 local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local
2761 merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license
2762 tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which
2763 stated amount shall be the amount of wine purchases which would be necessary to produce a local
2764 wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such
2765 wholesale wine licensee.

2766 D. Delivery. — No county, city, or town shall impose any local alcoholic beverage license tax on
2767 any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such
2768 wholesaler maintains no place of business in such county, city, or town.

2769 E. Application of county tax within town. — Any county license tax imposed under this section
 2770 shall not apply within the limits of any town located in such county, where such town now, or hereafter,
 2771 imposes a town license tax on the same privilege.

2772 **§ 4.1-238. Bond required to secure excise tax liability on beer and wine coolers, and wine**
 2773 **stored in bonded warehouses.**

2774 A. Every manufacturer, bottler or wholesaler, as a condition precedent to obtaining a license to
 2775 sell beer or wine coolers to a licensed retailer, shall file a bond with the Board in such sum and with such
 2776 surety as the Board deems adequate to cover the tax liability of each such manufacturer, bottler or
 2777 wholesaler. The sum of such bond shall be proportioned to the volume of business of each such
 2778 manufacturer, bottler or wholesaler, but shall in no event be less than \$1,000 or more than \$100,000. Such
 2779 bond shall be conditioned upon the payment by such manufacturer, bottler or wholesaler of the tax
 2780 imposed by § 4.1-236.

2781 B. Every holder of a bonded warehouse permit, issued in accordance with subdivision ~~14~~ 13 of §
 2782 4.1-212, as a condition to obtaining the permit, shall file a bond with the Board in such sum and with such
 2783 surety as the Board deems adequate to cover the tax liability of each such permittee. The sum of such bond
 2784 shall be proportioned to the volume of business of each such manufacturer, bottler, or wholesaler, but shall
 2785 in no event be less than \$1,000 or more than \$10,000. Such bond shall be conditioned upon the payment
 2786 by the permittee of the tax imposed by § 4.1-234.

2787 C. The Board may waive the requirement of both the surety and the bond, in cases where a
 2788 manufacturer, bottler or wholesaler has previously demonstrated his financial responsibility.

2789 D. Upon the termination of the bond, its guaranty or surety, the Board, upon reasonable notice to
 2790 the manufacturer, bottler or wholesaler so licensed, may suspend the license so granted until such times
 2791 as the required bond is filed or the proper surety or guaranty is given.

2792 **§ 4.1-310. Illegal importation, shipment and transportation of alcoholic beverages; penalty;**
 2793 **exception.**

2794 A. No alcoholic beverages, other than wine or beer, shall be imported, shipped, transported or
 2795 brought into the Commonwealth, other than to distillery licensees or winery licensees, unless consigned

2796 to the Board. However, the Board may permit such alcoholic beverages ordered by it from outside the
2797 Commonwealth for (i) persons, for industrial purposes, (ii) the manufacture of articles allowed to be
2798 manufactured under § 4.1-200, or (iii) hospitals, to be shipped or transported directly to such persons. On
2799 such orders or shipments of alcohol, the Board shall charge only a reasonable permit fee.

2800 B. Except as otherwise provided in subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1, no
2801 wine shall be imported, shipped, transported or brought into the Commonwealth unless it is consigned to
2802 a wholesale wine licensee.

2803 C. Except as otherwise provided in subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1, no
2804 beer shall be imported, shipped, transported or brought into the Commonwealth except to persons licensed
2805 to sell it.

2806 D. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

2807 E. The provisions of this chapter shall not prohibit (i) any person from bringing, in his personal
2808 possession, or through United States Customs in his accompanying baggage, into the Commonwealth not
2809 for resale, alcoholic beverages in an amount not to exceed one gallon or four liters if any part of the
2810 alcoholic beverages being transported is held in metric-sized containers, (ii) the shipment or transportation
2811 into the Commonwealth of a reasonable quantity of alcoholic beverages not for resale in the personal or
2812 household effects of a person relocating his place of residence to the Commonwealth, or (iii) the
2813 possession or storage of alcoholic beverages on passenger boats, dining cars, buffet cars and club cars,
2814 licensed under this title, or common carriers engaged in interstate or foreign commerce.

2815 **§ 4.1-310.1. Delivery of wine or beer to retail licensee.**

2816 Except as otherwise provided in this title or in Board regulation, no wine or beer may be shipped
2817 or delivered to a retail licensee for resale unless such wine or beer has first been (i) delivered to the licensed
2818 premises of a wine or beer wholesaler and unloaded, (ii) kept on the licensed premises of the wholesaler
2819 for not less than four hours prior to reloading on a vehicle, and (iii) recorded in the wholesaler's inventory.
2820 Any holder of a restricted wholesale wine license issued pursuant to ~~§ 4.1-207.1~~ subdivision 3 of § 4.1-
2821 206.2 shall be exempt from the requirement set forth in clause (ii).

2822 **§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

- 2823 A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee
2824 shall:
- 2825 1. Sell or serve any alcoholic beverage other than as authorized by law;
 - 2826 2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by
2827 law;
 - 2828 3. Allow at the place described in his license the consumption of alcoholic beverages in violation
2829 of this title;
 - 2830 4. Keep at the place described in his license any alcoholic beverage other than that which he is
2831 licensed to sell;
 - 2832 5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;
 - 2833 6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by
2834 him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink
2835 dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the
2836 Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board
2837 regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee
2838 from premixing containers of sangria, to which spirits may be added, to be served and sold for
2839 consumption on the licensed premises;
 - 2840 7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper
2841 with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation
2842 adopted pursuant to subdivision B 11 of § 4.1-111;
 - 2843 8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the
2844 purchaser without first advising such purchaser of the difference;
 - 2845 9. Remove or obliterate any label, mark or stamp affixed to any container of alcoholic beverages
2846 offered for sale;
 - 2847 10. Deliver or sell the contents of any container if the label, mark or stamp has been removed or
2848 obliterated;

2849 11. Allow any obscene conduct, language, literature, pictures, performance or materials on the
2850 licensed premises;

2851 12. Allow any striptease act on the licensed premises;

2852 13. Allow persons connected with the licensed business to appear nude or partially nude;

2853 14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty
2854 and in a position that is involved in the selling or serving of alcoholic beverages to customers.

2855 The provisions of this subdivision shall not prohibit any retail licensee or his designated employee
2856 from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative
2857 of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of
2858 the Board who represents a distiller, if such samples are provided in accordance with Board regulations
2859 and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of §
2860 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality
2861 control purposes;

2862 15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license
2863 whether the closure is broken or unbroken except in accordance with § 4.1-210.

2864 The provisions of this subdivision shall not apply to the delivery of:

2865 a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic
2866 beverage distilled from rice, barley or sweet potatoes; or

2867 b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content
2868 is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and
2869 perishable;

2870 16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

2871 17. Conceal any sale or consumption of any alcoholic beverages;

2872 18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request
2873 or obstruct special agents of the Board in the discharge of their duties;

2874 19. Store alcoholic beverages purchased under the license in any unauthorized place or remove
2875 any such alcoholic beverages from the premises;

2876 20. Knowingly employ in the licensed business any person who has the general reputation as a
2877 prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who
2878 drinks to excess or engages in illegal gambling;

2879 21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device,
2880 machine or apparatus;

2881 22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a
2882 matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction
2883 set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any
2884 conference, convention, trade show or event held or to be held on the premises of the licensee, when such
2885 gift is made in the course of usual and customary business entertainment and is in no way a shift or device
2886 to evade the restriction set forth in this subdivision; (iii) pursuant to subsection ~~D~~B of § 4.1-209; (iv)
2887 pursuant to subdivision ~~A-11~~10 of § 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted
2888 by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The
2889 licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

2890 23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift
2891 or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase
2892 the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal
2893 or customary price charged for the same alcoholic beverage.

2894 B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

2895 C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters,
2896 concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or
2897 theatrical performances, when the performances that are presented are expressing matters of serious
2898 literary, artistic, scientific, or political value.

2899 **§ 4.1-325.1. Falsifying application; penalty.**

2900 It shall be unlawful for any applicant for a banquet ~~or~~2 special events license pursuant to ~~§ 4.1-209~~2,
2901 or mixed beverage special events license pursuant to ~~§ 4.1-210~~4.1-206.3 to knowingly make a false

2902 statement in order to secure a license or to alter, change, borrow, or lend or attempt to use, borrow, or lend
2903 a license. Any person violating this provision shall be guilty of a Class 3 misdemeanor.

2904 **§ 4.1-325.2. Prohibited acts by employees of wine or beer licensees; penalty.**

2905 A. In addition to the provisions of § 4.1-324, no retail wine or beer licensee or his agent or
2906 employee shall consume any alcoholic beverages while on duty and in a position that is involved in the
2907 selling or serving of alcoholic beverages to customers.

2908 The provisions of this subsection shall not prohibit any retail licensee or his designated employee
2909 from (i) consuming product samples or sample servings of beer or wine provided by a representative of a
2910 licensed beer or wine wholesaler or manufacturer, if such samples are provided in accordance with Board
2911 regulations and the retail licensee or his designated employee does not violate the provisions of
2912 subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a
2913 customer for quality control purposes.

2914 B. For the purposes of subsection A, a wine or beer wholesaler or farm winery licensee or its
2915 employees that participate in a wine or beer tasting sponsored by a retail wine or beer licensee shall not
2916 be deemed to be agents of the retail wine or beer licensee.

2917 C. No retail wine or beer licensee, or his agent or employee shall make any gift of an alcoholic
2918 beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so
2919 long as the gift is in no way a shift or device to evade the restriction set forth in this subsection; (ii) to a
2920 person responsible for the planning, preparation or conduct on any conference, convention, trade show or
2921 event held or to be held on the premises of the licensee, when such gift is made in the course of usual and
2922 customary business entertainment and is in no way a shift or device to evade the restriction set forth in
2923 this subsection; (iii) pursuant to subsection ~~D~~B of § 4.1-209; (iv) pursuant to subdivision ~~A-11~~10 of §
2924 4.1-201; or (v) pursuant to any Board regulation. Any gift permitted by this subsection shall be subject to
2925 the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and
2926 accurate records of gifts given in accordance with this subsection.

2927 D. Any person convicted of a violation of this section shall be subject to a civil penalty in an
2928 amount not to exceed \$500.

2929 **§ 4.1-327. Prohibiting transfer of wine or beer by licensees; penalty.**

2930 A. No retail licensee, except ~~(i) a retail on-premises wine and beer licensee or (ii) a retail on-~~
 2931 ~~premises beer licensee,~~ shall transfer any wine or beer from one licensed place of business to another
 2932 licensed place of business whether such places of business are under the same ownership or not.

2933 B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

2934 **§ 15.2-912.3. Regulation of dance halls by counties, cities and towns.**

2935 For the purposes of this section, "public dance hall" means any place open to the general public
 2936 where dancing is permitted; however, a restaurant located in any city licensed under ~~§ 4.1-210~~ subsection
 2937 A of § 4.1-206.3 to serve food and beverages having a dance floor with an area not exceeding 10 percent
 2938 of the total floor area of the establishment shall not be considered a public dance hall.

2939 Any locality may by ordinance regulate public dance halls in such locality, and prescribe
 2940 punishment for violation of such ordinance not to exceed that prescribed for a Class 3 misdemeanor.

2941 Such ordinance shall prescribe for: (i) the issuance of permits to operate public dance halls,
 2942 grounds for revocation and procedure for revocation of such permits; (ii) a license tax not to exceed \$600
 2943 on every person operating or conducting any such dance hall; and (iii) rules and regulations for the
 2944 operation of such dance halls. Such ordinances may exempt from their operation dances held for
 2945 benevolent or charitable purposes and dances conducted under the auspices of religious, educational, civic
 2946 or military organizations.

2947 No county ordinance adopted under the provisions of this section shall be in effect in any town in
 2948 which an ordinance adopted under the provisions of this section is in effect.

2949 **§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.**

2950 A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine
 2951 industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the
 2952 citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning
 2953 categories. Local restriction upon such activities and events of farm wineries licensed in accordance with
 2954 Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic
 2955 impact on the farm winery of such restriction, the agricultural nature of such activities and events, and

2956 whether such activities and events are usual and customary for farm wineries throughout the
2957 Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without
2958 local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local
2959 ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm
2960 wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified
2961 music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby
2962 residents.

2963 B, C. [Expired.]

2964 D. No locality may treat private personal gatherings held by the owner of a licensed farm winery
2965 who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner
2966 at which gatherings wine is not sold or marketed and for which no consideration is received by the farm
2967 winery or its agents differently from private personal gatherings by other citizens.

2968 E. No locality shall regulate any of the following activities of a farm winery licensed in accordance
2969 with subdivision ~~5.6~~ of ~~§ 4.1-207~~ 4.1-206.1:

2970 1. The production and harvesting of fruit and other agricultural products and the manufacturing of
2971 wine;

2972 2. The on-premises sale, tasting, or consumption of wine during regular business hours within the
2973 normal course of business of the licensed farm winery;

2974 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title
2975 4.1 and regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;

2976 4. The sale and shipment of wine to the Virginia Alcoholic Beverage Control Authority, licensed
2977 wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors
2978 of the Virginia Alcoholic Beverage Control Authority, and federal law;

2979 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of
2980 the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law; or

2981 6. The sale of wine-related items that are incidental to the sale of wine.

2982 **§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.**

2983 A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer
2984 industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the
2985 citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning
2986 categories. Local restriction upon such activities and public events of breweries licensed pursuant to
2987 subdivision ~~2.4~~ of ~~§ 4.1-208~~ 4.1-206.1 to market and sell their products shall be reasonable and shall take
2988 into account the economic impact on such licensed brewery of such restriction, the agricultural nature of
2989 such activities and events, and whether such activities and events are usual and customary for such
2990 licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted
2991 unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance
2992 regulating noise, other than outdoor amplified music, arising from activities and events at such licensed
2993 breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor
2994 amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners
2995 and nearby residents.

2996 B. No locality shall regulate any of the following activities of a brewery licensed under subdivision
2997 ~~2.4~~ of ~~§ 4.1-208~~ 206.1:

2998 1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products
2999 and the manufacturing of beer;

3000 2. The on-premises sale, tasting, or consumption of beer during regular business hours within the
3001 normal course of business of such licensed brewery;

3002 3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Board
3003 of Directors of the Alcoholic Beverage Control Authority;

3004 4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance
3005 with Title 4.1, regulations of the Board of Directors of the Alcoholic Beverage Control Authority, and
3006 federal law;

3007 5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Board of
3008 Directors of the Alcoholic Beverage Control Authority, and federal law; or

3009 6. The sale of beer-related items that are incidental to the sale of beer.

3010 C. Any locality may exempt any brewery licensed in accordance with subdivision ~~2~~ 4 of § ~~4.1-208~~
 3011 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road
 3012 upgrade requirements.

3013 **§ 15.2-2288.3.2. Limited distiller's license; local regulation of certain activities.**

3014 A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § ~~4.1-206~~
 3015 4.1-206.1 to market and sell their products shall be reasonable and shall take into account the economic
 3016 impact on such licensed distillery of such restriction, the agricultural nature of such activities and events,
 3017 and whether such activities and events are usual and customary for such licensed distilleries. Usual and
 3018 customary activities and events at such licensed distilleries shall be permitted unless there is a substantial
 3019 impact on the health, safety, or welfare of the public.

3020 B. No locality shall regulate any of the following activities of a distillery licensed under
 3021 subdivision 2 of § ~~4.1-206~~ 4.1-206.1:

3022 1. The production and harvesting of agricultural products and the manufacturing of alcoholic
 3023 beverages other than wine or beer;

3024 2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer
 3025 during regular business hours in accordance with a contract between a distillery and the Alcoholic
 3026 Beverage Control Board pursuant to the provisions of subsection D of § 4.1-119;

3027 3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers
 3028 and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control
 3029 Board, and federal law;

3030 4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with
 3031 Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

3032 5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the
 3033 sale of such alcoholic beverages.

3034 C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § ~~4.1-206~~
 3035 4.1-206.1 on land zoned agricultural from any local regulation of minimum parking, road access, or road
 3036 upgrade requirements.

3037 § 40.1-100. Certain employment prohibited or limited.

3038 A. No child under 18 years of age shall be employed, permitted or suffered to work:

3039 1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or
3040 establishment manufacturing or storing explosives or articles containing explosive components; in any
3041 occupation involving exposure to radioactive substances or to ionizing radiations including X-ray
3042 equipment;

3043 2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any
3044 power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven
3045 paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking
3046 machine;

3047 3. In oiling or assisting in oiling, wiping and cleaning any such machinery;

3048 4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are
3049 used;

3050 5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred
3051 products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for
3052 consumption on the premises except in places (i) licensed pursuant to subdivision ~~5.6~~ of § ~~4.1-207~~ 4.1-
3053 206.1, provided that a child employed at the premises shall not serve or dispense in any manner alcoholic
3054 beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually
3055 conducted, or to deliver alcoholic goods;

3056 6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking
3057 operations;

3058 7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who
3059 are at least 17 years of age may drive automobiles or trucks on public roadways if:

3060 a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is
3061 equipped with seat belts for the driver and any passengers, and the employer requires the employee to use
3062 the seatbelts when driving the automobile or truck;

3063 b. Driving is restricted to daylight hours;

- 3064 c. The employee has a valid State license for the type of driving involved and has no record of any
3065 moving violations at the time of hire;
- 3066 d. The employee has successfully completed a State-approved driver education course;
- 3067 e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii)
3068 the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v)
3069 the transporting at any time of more than three passengers, including the employees of the employer;
- 3070 f. The driving performed by the employee does not involve more than two trips away from the
3071 primary place of employment in any single day for the purpose of delivering goods of the employee's
3072 employer to a customer;
- 3073 g. The driving performed by the employee does not involve more than two trips away from the
3074 primary place of employment in any single day for the purpose of transporting passengers, other than
3075 employees of the employer;
- 3076 h. The driving takes place within a 30-mile radius of the employee's place of employment; and
- 3077 i. The driving is only occasional and incidental to the employee's employment and involves no
3078 more than one third of the employee's work time in any workday and no more than 20 percent work time
3079 in any work week;
- 3080 8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any
3081 occupation involving slaughtering, meatpacking, processing or rendering;
- 3082 9. In any occupation determined and declared hazardous by rules and regulations promulgated by
3083 the Commissioner of Labor and Industry, except as otherwise provided in subsection D.
- 3084 Notwithstanding the provisions of this section, children 16 years of age or older who are serving a
3085 voluntary apprenticeship as provided in Chapter 6 (§ 40.1-117 et seq.) of this title may be employed in
3086 any occupation in accordance with rules and regulations promulgated by the Commissioner.
- 3087 B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89,
3088 no child under 16 years of age shall be employed, permitted or suffered to work:
- 3089 1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation
3090 of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home,

3091 clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly,
3092 or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse;
3093 in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or
3094 funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber
3095 yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office
3096 work of a clerical nature in bona fide office rooms in the above types of establishments.

3097 2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair,
3098 floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

3099 C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments
3100 in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics
3101 where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of
3102 age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not
3103 in or about such machines, and in soda fountains, restaurants and hotel and motel food service
3104 departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming
3105 pools and may be employed by concessionaires operating on beaches where their duties and work pertain
3106 to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach
3107 equipment.

3108 D. Notwithstanding any other provision of this chapter:

3109 1. Children aged 16 years or older employed on farms, in gardens or in orchards may operate,
3110 assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle
3111 as defined in § 46.2-1099, in their employment;

3112 2. Children aged 14 years or older employed on farms, in gardens or in orchards may perform work
3113 as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively
3114 on a farm, in a garden or in an orchard;

3115 3. Children aged 16 years or older may participate in all activities of a volunteer fire company;
3116 however, any such child shall not enter a burning structure or a structure which contains burning materials
3117 prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter

3118 standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into
3119 a structure that contains burning materials is during training necessary to attain certification under National
3120 Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of
3121 Fire Programs.

3122 **§ 58.1-339.12. Farm wineries and vineyards tax credit.**

3123 A. As used in this section, unless the context requires a different meaning:

3124 "Qualified capital expenditures" means all expenditures made by the taxpayer for the purchase and
3125 installation of barrels, bins, bottling equipment, capsuling equipment, chemicals, corks, crushers and
3126 destemmers, dirt, fermenters, or other recognized fermentation devices, fertilizer and soil amendments,
3127 filters, grape harvesters, grape plants, hoses, irrigation equipment, labeling equipment, poles, posts,
3128 presses, pumps, refractometers, refrigeration equipment, seeders, tanks, tractors, vats, weeding and
3129 spraying equipment, wine tanks, and wire.

3130 "Virginia vineyard" means agricultural lands located in the Commonwealth consisting of at least
3131 one contiguous acre dedicated to the growing of grapes that are used or are intended to be used in the
3132 production of wine by a Virginia farm winery as well as any plants or other improvements located thereon.

3133 "Virginia farm winery" means an establishment located in the Commonwealth that is licensed as
3134 a Virginia farm winery pursuant to ~~§ 4.1-207~~ 4.1-206.1.

3135 B. For taxable years beginning on and after January 1, 2011, any Virginia farm winery or vineyard
3136 shall be entitled to a credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for qualified capital
3137 expenditures made in connection with the establishment of new Virginia farm wineries or vineyards and
3138 capital improvements made to existing Virginia farm wineries or vineyards. The amount of the credit shall
3139 be equal to 25 percent of all qualified capital expenditures.

3140 C. The total amount of tax credits available under this section for a calendar year shall not exceed
3141 \$250,000. In the event that applications for such credit exceed \$250,000 for any calendar, the Department
3142 of Taxation shall allocate the credits on a pro rata basis.

3143 D. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess
3144 may be carried over for credit against the income taxes of the taxpayer in the next 10 taxable years, or
3145 until the total credit amount has been taken, whichever occurs first.

3146 E. For purposes of this section, the amount of any credit attributable to a partnership, electing small
3147 business corporation (S corporation), or limited liability company shall be allocated to the individual
3148 partners, shareholders, or members, respectively, in proportion to their ownership or interest in such
3149 business entities.

3150 F. The credit allowed in this section shall not be claimed to the extent the taxpayer has claimed a
3151 deduction for the same expenses for federal income tax purposes under § 179 of the Internal Revenue
3152 Code, as amended.

3153 **§ 58.1-609.3. Commercial and industrial exemptions.**

3154 The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606
3155 shall not apply to the following:

3156 1. Personal property purchased by a contractor which is used solely in another state or in a foreign
3157 country, which could be purchased by such contractor for such use free from sales tax in such other state
3158 or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

3159 2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles
3160 of tangible personal property for resale where such industrial materials either enter into the production of
3161 or become a component part of the finished product; (ii) industrial materials that are coated upon or
3162 impregnated into the product at any stage of its being processed, manufactured, refined, or converted for
3163 resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or
3164 supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or
3165 resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging
3166 tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to
3167 produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or
3168 for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or
3169 replacements thereof, shall be exempt if the preponderance of their use is directly in processing,

3170 manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection
3171 do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the
3172 exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other
3173 tangible personal property used by a public service corporation in the generation of electric power, except
3174 for raw materials that are inputs to production of electricity, including fuel, or for machinery, tools, and
3175 equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools,
3176 and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.

3177 3. Tangible personal property sold or leased to a public service corporation engaged in business as
3178 a common carrier of property or passengers by railway, for use or consumption by such common carrier
3179 directly in the rendition of its public service.

3180 4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally
3181 in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying
3182 the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of
3183 the United States or its territories or possessions, or in foreign commerce between ports in the
3184 Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible
3185 personal property used directly in the building, conversion or repair of the ships or vessels covered by this
3186 subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel
3187 and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or
3188 principally in interstate or foreign commerce.

3189 5. Tangible personal property purchased for use or consumption directly and exclusively in basic
3190 research or research and development in the experimental or laboratory sense.

3191 6. Notwithstanding the provisions of subdivision 20 of § 58.1-609.10, all tangible personal
3192 property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common
3193 carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one
3194 day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

3195 7. Meals furnished by restaurants or food service operators to employees as a part of wages.

3196 8. Tangible personal property including machinery and tools, repair parts or replacements thereof,
3197 and supplies and materials used directly in maintaining and preparing textile products for rental or leasing
3198 by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

3199 9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any
3200 equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant
3201 to such section.

3202 10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or
3203 consumption directly in the rendition of their services.

3204 11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of
3205 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or
3206 photocopying of products for sale or resale.

3207 12. From July 1, 1994, and ending July 1, 2022, raw materials, fuel, power, energy, supplies,
3208 machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction,
3209 or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section,
3210 the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-
3211 361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production,
3212 inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition
3213 consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility
3214 wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts
3215 therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling,
3216 extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation
3217 activities required by state or federal law.

3218 13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an
3219 orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of
3220 any kind possessing space flight capability, including the components thereof, irrespective of whether
3221 such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use,
3222 storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use,

3223 storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or
3224 suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind,
3225 irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent
3226 use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such
3227 quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space
3228 flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or
3229 distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport
3230 activities and the sale of goods and services provided to operate and maintain launch facilities, launch
3231 equipment, payload processing facilities and payload processing equipment used to conduct spaceport
3232 activities.

3233 For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a
3234 facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

3235 The exemptions provided by this subdivision shall not be denied by reason of a failure,
3236 postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion
3237 system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any
3238 components thereof.

3239 14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible
3240 personal property used primarily in the integrated process of designing, developing, manufacturing, or
3241 testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor
3242 equipment without regard to whether the property is actually contained in or used in a cleanroom
3243 environment, touches the product, is used before or after production, or is affixed to or incorporated into
3244 real estate.

3245 15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

3246 16. Railroad rolling stock when sold or leased by the manufacturer thereof.

3247 17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers
3248 located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter
3249 ending November 2007, for the processing, storage, retrieval, or communication of data, including but not

3250 limited to servers, routers, connections, and other enabling hardware when part of a new investment of at
3251 least \$75 million in such exempt property, when such investment results in the creation of at least 100
3252 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was
3253 made in accordance with a memorandum of understanding with the Virginia Economic Development
3254 Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The
3255 exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or
3256 replace computer equipment purchased or leased in the initial investment. The exemption shall not apply
3257 to any computer software sold separately from the computer equipment, nor shall it apply to general
3258 building improvements or fixtures.

3259 18. Beginning July 1, 2010, and ending June 30, 2035, computer equipment or enabling software
3260 purchased or leased for the processing, storage, retrieval, or communication of data, including but not
3261 limited to servers, routers, connections, and other enabling hardware, including chillers and backup
3262 generators used or to be used in the operation of the equipment exempted in this paragraph, provided that
3263 such computer equipment or enabling software is purchased or leased for use in a data center that (i) is
3264 located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least
3265 \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data
3266 center operator and the tenants of the data center, collectively, associated with the operation or
3267 maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing
3268 average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data
3269 center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent
3270 of the average statewide unemployment rate for such year as determined by the Virginia Economic
3271 Development Partnership or is located in an enterprise zone. This exemption applies to the data center
3272 operator and the tenants of the data center if they collectively meet the requirements listed in this section.
3273 Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center
3274 operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the
3275 Virginia Economic Development Partnership Authority that at a minimum provides the details for
3276 determining the amount of capital investment made and the number of new jobs created, the timeline for

3277 achieving the capital investment and new job goals, the repayment obligations should those goals not be
3278 achieved, and any conditions under which repayment by the qualifying data center or data center tenant
3279 claiming the exemption may be required. In addition, the exemption shall apply to any such computer
3280 equipment or enabling software purchased or leased to upgrade, supplement, or replace computer
3281 equipment or enabling software purchased or leased in the initial investment. The exemption shall not
3282 apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased
3283 separately from the computer equipment, nor shall it apply to general building improvements or other
3284 fixtures.

3285 19. If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant
3286 to subdivision ~~1 or 2~~ 3 or 4 of § ~~4.1-208~~ 4.1-206.1, (i) machinery, tools, and equipment, or repair parts
3287 therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing,
3288 manufacturing, or conversion into beer where such materials either enter into the production of or become
3289 a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs,
3290 boxes, drums, or bags for future use, for packaging the beer for shipment or sale.

3291 **2. That §§ 4.1-206, 4.1-207, 4.1-207.1, 4.1-208, 4.1-210, 4.1-220, 4.1-231, and 4.1-233 of the Code of**
3292 **Virginia are repealed.**

3293 **3. That the provisions of the first, second, and fourth enactments of this act shall become effective**
3294 **on July 1, 2021.**

3295 **4. That subsection A of § 4.1-231.1 of the Code of Virginia, as created by this act, shall expire when**
3296 **the Board of Directors of the Virginia Alcoholic Beverage Control Authority provides notice to the**
3297 **Division of Legislative Services that the Board has increased state license fees in accordance with**
3298 **the provisions of subsection F of § 4.1-230 of the Code of Virginia, as amended by this act.**

3299 **5. That any person who (i) is licensed pursuant to subdivision A 9, 11, 12, 14, 18, or 19 of § 4.1-206**
3300 **of the Code of Virginia, as it was in effect prior to the effective date of this act, and (ii) wishes to**
3301 **maintain licensure after June 30, 2021, shall apply for a marketplace license on or before January**
3302 **1, 2021.**

3303 6. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority may
3304 promulgate regulations that allow a licensee who holds a license that is repealed by the provisions
3305 of this act to continue to operate under such license until the expiration of its original term.

3306 7. That any farm winery, limited brewery, or limited distillery that, prior to July 1, 2016, (i) holds
3307 a valid license granted by the Board in accordance with Title 4.1 of the Code of Virginia and (ii) is
3308 in compliance with the local zoning ordinance as an agricultural district or classification or as
3309 otherwise permitted by a locality for farm winery, limited brewery, or limited distillery use shall be
3310 allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a)
3311 the provisions of § 4.1-206.1 of the Code of Virginia, as created by this act, or (b) a subsequent
3312 change in ownership of the farm winery, limited brewery, or limited distillery on or after July 1,
3313 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery, limited
3314 brewery, or limited distillery located on land zoned residential conservation prior to July 1, 2016,
3315 may expand any existing building or structure and the uses thereof so long as specifically approved
3316 by the locality by special exception. Any such farm winery, limited brewery, or limited distillery
3317 located on land zoned residential conservation prior to July 1, 2016, may construct a new building
3318 or structure so long as specifically approved by the locality by special exception. All such licensees
3319 shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for
3320 renewal of such license or the issuance of a new license in the event of a change in ownership of the
3321 farm winery, limited brewery, or limited distillery on or after July 1, 2016.

3322 8. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board)
3323 shall promulgate regulations to implement the provisions of this act. The Board's initial adoption of
3324 regulations necessary to implement the provisions of this act shall be exempt from the
3325 Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall
3326 provide an opportunity for public comment on the regulations prior to adoption.

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