

## 1 HOUSE BILL NO. 1753

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on General Laws

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute--Delegate Robinson)

6 A BILL to amend and reenact § 4.1-206.3, as it is currently effective and as it shall become effective, of  
7 the Code of Virginia, relating to alcoholic beverage control; mixed beverage carrier license; airport  
8 passenger lounge; emergency.

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

10 **1. That § 4.1-206.3, as it is currently effective and as it shall become effective, of the Code of Virginia**  
11 **is amended and reenacted as follows:**

12 **§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.**

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

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

25 If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent  
26 bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,

27 bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed  
28 beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or  
29 off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the  
30 Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel  
31 only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex,  
32 the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within  
33 the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from  
34 keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

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

48 If the restaurant is located on the premises of and operated by a municipal golf course, the Board  
49 shall recognize the seasonal nature of the business and waive any applicable monthly food sales  
50 requirements for those months when weather conditions may reduce patronage of the golf course, provided  
51 that prepared food, including meals, is available to patrons during the same months. The gross receipts  
52 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages

53 served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross  
54 receipts from the sale of mixed beverages and food on an annualized basis.

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

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

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

78 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in  
79 the business of providing food and beverages to others for service at private gatherings or at special events,

80 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The  
81 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages  
82 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the  
83 gross receipts from the sale of mixed beverages and food.

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

91 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by  
92 train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere  
93 in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated  
94 rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions,  
95 subsidiaries of a financial institution, or persons approved by the applicable airport authority that have  
96 entered into a contract with a financial institution or subsidiary of a financial institution to operate a  
97 passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas  
98 of a passenger lounge for ticketed air carrier passengers that is located within an airport in the  
99 Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express  
100 carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to  
101 load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in  
102 close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air  
103 carrier and any such licensed express carrier. The air carrier licensee shall ~~(i)~~ (a) designate for purposes  
104 of its license all locations where the inventory of alcoholic beverages may be stored and from which the  
105 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier  
106 and ~~(ii)~~ (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its

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

111 For the purposes of this subdivision:

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

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

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

129 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve  
130 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs  
131 shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining  
132 areas of the restaurant or off-premises consumption. Such license may be granted only to persons who  
133 operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the

134 sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and  
135 alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize  
136 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed  
137 containers for off-premises consumption; however, the licensee shall be required to pay the local fee  
138 required for such additional license pursuant to § 4.1-233.1.

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

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

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

158 c. Persons operating food concessions at any performing arts facility located in the City of  
159 Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease

160 or concession agreement, the original term of which was more than five years; (ii) has a total capacity in  
161 excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

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

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

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

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

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

184 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any  
185 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to  
186 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and

187 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed  
188 beverage caterer at the same business premises designated in the license, with a common alcoholic  
189 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the  
190 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision  
191 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this  
192 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer  
193 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee  
194 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

206 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §  
207 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption  
208 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and  
209 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member  
210 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the  
211 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied  
212 and utilized as such.



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

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

234           13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve  
235 mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such  
236 license may be granted only to persons operating a business (i) that is primarily engaged in the sale of  
237 meals; (ii) that is located on property owned by the United States government or an agency thereof and  
238 used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of  
239 food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the

240 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale  
241 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include  
242 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may  
243 have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas  
244 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas  
245 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting  
246 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to  
247 sell and serve wine and beer for on-premises consumption or in closed containers for off-premises  
248 consumption; however, the licensee shall be required to pay the local fee required for such additional  
249 license pursuant to § 4.1-233.1.

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

262 15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed  
263 beverages for on-premises consumption in areas designated by the Board, after consultation with the  
264 mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food  
265 prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for  
266 on-premises consumption in private areas or restricted access areas designated by the Board, after

267 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the  
268 premises of the mixed beverage casino licensee, including entertainment venues, private rooms,  
269 conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this  
270 subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises  
271 consumption and in closed containers for off-premises consumption in accordance with the provisions of  
272 this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee  
273 required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the  
274 contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this  
275 subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall  
276 not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

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

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

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

286 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in  
287 closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without  
288 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest  
289 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.  
290 However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize  
291 the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate  
292 by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic  
293 beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight

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

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

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

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

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

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

345           7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during  
346 events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession  
347 areas, dining areas, and such additional locations designated by the Board in such facilities, for on-

348 premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to  
349 this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such  
350 licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural  
351 Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

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

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

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

364 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery  
365 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina  
366 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine  
367 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-  
368 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-  
369 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine  
370 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The  
371 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the  
372 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With  
373 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or  
374 authorized representatives of such licensees may participate in such tastings, including the pouring of

375 samples. The licensee shall comply with any food inventory and sales volume requirements established  
376 by Board regulation.

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

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

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

386 1. Per-day event licenses.

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

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

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

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

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

416 2. Annual licenses.

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

426 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical  
427 services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired  
428 alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests



429 thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall  
430 not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use  
431 the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency  
432 station or both, regularly occupied as such and recognized by the governing body of the county, city, or  
433 town in which it is located. Under conditions as specified by Board regulation, such premises may be other  
434 than a volunteer fire or volunteer emergency medical services agency station, provided such other  
435 premises are occupied and under the control of the volunteer fire department or volunteer emergency  
436 medical services agency while the privileges of its license are being exercised.

437 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or  
438 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic  
439 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)  
440 any permanent retail on-premises licensee that is located within the area designated by the Board for the  
441 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for  
442 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and  
443 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such  
444 businesses. In determining the designated area for the designated outdoor refreshment area, the Board  
445 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events  
446 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may  
447 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such  
448 increase in frequency and duration. Such ordinance shall include the size and scope of the area within  
449 which such events will be held, a public safety plan, and any other considerations deemed necessary by  
450 the Board. Such limitations on the number of events that may be held shall not apply during the effective  
451 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet  
452 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,  
453 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this  
454 subtitle and Board regulations and shall provide notice to the Board regarding the days and times during  
455 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent

456 retail on-premises licensees located within the designated area may be consumed at the event, and such  
457 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly  
458 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was  
459 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor  
460 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage  
461 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be  
462 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate  
463 security for the event to ensure compliance with the applicable provisions of this subtitle and Board  
464 regulations.

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

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

480 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the  
481 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine  
482 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic

483 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the  
484 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any  
485 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue  
486 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

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

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

504 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §  
505 4.1-209.1.

506 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside  
507 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,  
508 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for

509 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
510 requirement established by Board regulations.

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

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

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

530 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-  
531 212.2.

532 **§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.**

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

534 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed  
535 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may

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

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

554         If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club  
555 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in  
556 another city with which it has an agreement for reciprocal dining privileges, such license shall also  
557 authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell  
558 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50  
559 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food  
560 in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located  
561 on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the  
562 granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts

563 from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and  
564 guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale  
565 of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any  
566 consideration of the qualifications of such restaurant for a license from the Board.

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

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

581 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an  
582 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage  
583 restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on  
584 the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee.  
585 Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed  
586 beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after  
587 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the  
588 premises of the mixed beverage casino licensee, including entertainment venues, conference rooms,  
589 private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant

590 pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable  
591 container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was  
592 purchased.

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

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

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

610 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by  
611 train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere  
612 in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated  
613 rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions,  
614 subsidiaries of a financial institution, or persons approved by the applicable airport authority that have  
615 entered into a contract with a financial institution or subsidiary of a financial institution to operate a  
616 passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas

617 of a passenger lounge for ticketed air carrier passengers that is located within an airport in the  
618 Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express  
619 carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to  
620 load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in  
621 close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air  
622 carrier and any such licensed express carrier. The air carrier licensee shall ~~(i)~~ (a) designate for purposes  
623 of its license all locations where the inventory of alcoholic beverages may be stored and from which the  
624 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier  
625 and ~~(ii)~~ (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its  
626 authorized representative. The granting of a license pursuant to this subdivision shall automatically  
627 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or  
628 in closed containers for off-premises consumption; however, the licensee shall be required to pay the local  
629 fee required for such additional license pursuant to § 4.1-233.1.

630 For the purposes of this subdivision:

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

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

636 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell  
637 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during  
638 scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all  
639 dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-  
640 premises consumption. Such license may be granted to persons operating food concessions at an outdoor  
641 motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a  
642 track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of  
643 the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the



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

648           6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve  
649 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs  
650 shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the  
651 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the  
652 sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed  
653 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license  
654 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve  
655 wine and beer for on-premises consumption or in closed containers for off-premises consumption;  
656 however, the licensee shall be required to pay the local fee required for such additional license pursuant  
657 to § 4.1-233.1.

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

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

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

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

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

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

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

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

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

703 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any  
704 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to  
705 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and  
706 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed  
707 beverage caterer at the same business premises designated in the license, with a common alcoholic  
708 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the  
709 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision  
710 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this  
711 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer  
712 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee  
713 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

714 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages  
715 in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is  
716 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and  
717 without regard to the amount of gross receipts from the sale of food prepared and consumed on the  
718 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom  
719 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas  
720 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes  
721 outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one  
722 means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas

723 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas  
724 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

725 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §  
726 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption  
727 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and  
728 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member  
729 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the  
730 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied  
731 and utilized as such.

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

737 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'  
738 association governing a commercial lifestyle center, which shall authorize any retail on-premises  
739 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any  
740 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of  
741 the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,  
742 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant  
743 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such  
744 tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises  
745 restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and  
746 such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the  
747 name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic  
748 beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The  
749 licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed

750 premises; however, no physical barriers shall be required for this purpose. The licensee shall provide  
751 adequate security for the licensed premises to ensure compliance with the applicable provisions of this  
752 subtitle and Board regulations.

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

769 14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or  
770 association operating either a performing arts facility or an art education and exhibition facility; (ii) a  
771 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and  
772 objects significant in American history and culture; (iii) persons operating an agricultural event and  
773 entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space  
774 and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped  
775 with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events  
776 conducted on the premises of a museum for historic interpretation that is owned and operated by the

777 locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a  
778 bona fide lease, the original term of which was for more than one year's duration. Such license shall  
779 authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-  
780 premises consumption in areas upon the licensed premises approved by the Board.

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

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

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

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

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

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

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

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

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

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

852 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to  
853 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,  
854 and such additional locations designated by the Board in such facilities (i) in closed containers for off-  
855 premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal  
856 cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume



857 his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the  
858 license. Such licenses may be granted to persons operating food concessions at exhibition or exposition  
859 halls, convention centers, or similar facilities located in any county operating under the urban county  
860 executive form of government or any city that is completely surrounded by such county. For purposes of  
861 this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting  
862 private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet  
863 of floor space.

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

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

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

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

883 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery  
884 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina  
885 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine  
886 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-  
887 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-  
888 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine  
889 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The  
890 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the  
891 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With  
892 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or  
893 authorized representatives of such licensees may participate in such tastings, including the pouring of  
894 samples. The licensee shall comply with any food inventory and sales volume requirements established  
895 by Board regulation.

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

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

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

905 1. Per-day event licenses.

906 a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit  
907 corporations or associations in charge of special events, which shall authorize the licensee to sell or give  
908 wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in  
909 such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i)

910 shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-  
911 premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than  
912 one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform,  
913 may ship such wine, in accordance with Board regulations, in closed containers to persons located within  
914 the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of  
915 each banquet or special event. For the purposes of this subdivision, when the location named in the original  
916 application for a license is outdoors, the application may also name an alternative location in the event of  
917 inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a  
918 retail wine and beer license.

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

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

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

935       2. Annual licenses.

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

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

956 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or  
957 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic  
958 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)  
959 any permanent retail on-premises licensee that is located within the area designated by the Board for the  
960 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for  
961 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and  
962 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such

963 businesses. In determining the designated area for the designated outdoor refreshment area, the Board  
964 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events  
965 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may  
966 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such  
967 increase in frequency and duration. Such ordinance shall include the size and scope of the area within  
968 which such events will be held, a public safety plan, and any other considerations deemed necessary by  
969 the Board. Such limitations on the number of events that may be held shall not apply during the effective  
970 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet  
971 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,  
972 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this  
973 subtitle and Board regulations and shall provide notice to the Board regarding the days and times during  
974 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent  
975 retail on-premises licensees located within the designated area may be consumed at the event, and such  
976 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly  
977 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was  
978 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor  
979 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage  
980 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be  
981 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate  
982 security for the event to ensure compliance with the applicable provisions of this subtitle and Board  
983 regulations.

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

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

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

999 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the  
1000 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine  
1001 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic  
1002 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the  
1003 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any  
1004 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue  
1005 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

1006 E. The Board may grant a marketplace license to persons operating a business enterprise of which  
1007 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve  
1008 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations  
1009 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or  
1010 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such  
1011 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace  
1012 license, the applicant's business enterprise must (i) provide a single category of goods or services in a  
1013 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in  
1014 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic  
1015 beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all  
1016 employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to

1017 be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the  
1018 Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average  
1019 amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of  
1020 time that the business has been in operation; and (d) any other requirements deemed necessary by the  
1021 Board to protect the public health, safety, and welfare.

1022 F. The Board may grant the following shipper, bottler, and related licenses:

1023 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §  
1024 4.1-209.1.

1025 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside  
1026 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,  
1027 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for  
1028 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
1029 requirement established by Board regulations.

1030 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and  
1031 shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board  
1032 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under  
1033 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons  
1034 outside the Commonwealth for resale outside the Commonwealth.

1035 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with  
1036 a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer  
1037 owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner;  
1038 and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board  
1039 regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or  
1040 not, or any person under common control of such licensee, shall acquire or hold any financial interest,  
1041 direct or indirect, in the business for which any fulfillment warehouse license is issued.

1042 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized  
1043 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of

**1044** business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders  
**1045** for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer  
**1046** may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order  
**1047** for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment.  
**1048** Marketing portal licensees may also accept payment on behalf of the shipper.

**1049** 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-  
**1050** 212.2.

**1051** **2. That an emergency exists and this act is in force from its passage.**

**1052** #