

SENATE BILL NO. 254

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services

on January 28, 2022)

(Patron Prior to Substitute--Senator Bell)

A BILL to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia and the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, and to amend the Code of Virginia by adding a section numbered 4.1-212.2, relating to alcoholic beverage control; delivery of alcoholic beverages; third-party delivery license; container.

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

**1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, 4.1-230, 4.1-231.1, and 18.2-323.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-212.2 as follows:**

**§ 4.1-204. (Effective until July 1, 2022) Records of licensees; inspection of records and places of business.**

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

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

27 total price charged by him therefor. Except as otherwise provided in subsection D, such account need not  
28 give the names or addresses of the purchasers thereof, except as may be required by Board regulation for  
29 the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of  
30 food to determine their qualifications for such licenses, the records shall also include purchases and sales  
31 of food and nonalcoholic beverages.

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

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

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

47 E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to §  
48 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in  
49 accordance with Board regulations of all deliveries of wine or beer alcoholic beverages to persons in the  
50 Commonwealth. Such records shall include (i) the brands types of wine and beer alcoholic beverages sold,  
51 (ii) the total quantities of wine and beer alcoholic beverages sold, (iii) the total price charged for such wine  
52 and beer, and alcoholic beverages, (iv) the names, addresses, and signatures of the purchasers name and  
53 date of birth of the person to whom the wine and beer is alcoholic beverages are delivered. Such purchaser

54 ~~signatures may be in an electronic format,~~ and (v) the address to which the alcoholic beverages are  
55 delivered. Licensees and permittees shall remit such records on a monthly basis for any month during  
56 which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect  
57 and remit excise taxes due to the Authority pursuant to subsection H of § 4.1-212.1.

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

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

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

79 **§ 4.1-204. (Effective July 1, 2022) Records of licensees; inspection of records and places of**  
80 **business.**

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

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

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

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

104           D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate,  
105 and separate records in accordance with Board regulations of all shipments of wine or beer to persons in  
106 the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether  
107 any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine

108 and beer sold and the total price charged for such wine and beer. Such records shall include the names and  
109 addresses of the purchasers to whom the wine and beer is shipped.

110 E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to §  
111 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in  
112 accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such  
113 records shall include (i) the ~~brands~~ types of wine and beer sold, (ii) the total quantities of wine and beer  
114 sold, (iii) the total price charged for such wine and beer, ~~and (iv) the names, addresses, and signatures of~~  
115 ~~the purchasers~~ name and date of birth of the person to whom the wine and beer is delivered. ~~Such purchaser~~  
116 ~~signatures may be in an electronic format,~~ and (v) the address to which the wine and beer is delivered.  
117 Licensees and permittees shall remit such records on a monthly basis for any month during which the  
118 licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit  
119 excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

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

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

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

141 **§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.**

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

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

154 If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent  
155 bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,  
156 bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed  
157 beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or  
158 off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the  
159 Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel  
160 only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex,  
161 the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within

162 the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from  
163 keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

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

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

184 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license  
185 shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts  
186 from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-  
187 premises consumption in areas upon the licensed premises approved by the Board and other designated  
188 areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession

189 and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being  
190 provided in bedrooms and private guest rooms.

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

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

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

208 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,  
209 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in  
210 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated  
211 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its  
212 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier  
213 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and  
214 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic  
215 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air



216 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic  
217 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the  
218 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be  
219 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to  
220 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and  
221 beer for on-premises consumption or in closed containers for off-premises consumption; however, the  
222 licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

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

243 containers for off-premises consumption; however, the licensee shall be required to pay the local fee  
244 required for such additional license pursuant to § 4.1-233.1.

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

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

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

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

268 d. Persons operating food concessions at any performing arts facility located in the arts and cultural  
269 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona

270 fide long-term lease or concession agreement, the original term of which was more than five years; (ii)  
271 has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts  
272 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages  
273 served on the premises that meet or exceed the monthly minimum established by Board regulations for  
274 mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

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

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

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

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

290 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any  
291 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to  
292 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and  
293 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed  
294 beverage caterer at the same business premises designated in the license, with a common alcoholic  
295 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the  
296 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision

297 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this  
298 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer  
299 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee  
300 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

312 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §  
313 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption  
314 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and  
315 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member  
316 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the  
317 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied  
318 and utilized as such.

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

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

340           13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve  
341 mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such  
342 license may be granted only to persons operating a business (i) that is primarily engaged in the sale of  
343 meals; (ii) that is located on property owned by the United States government or an agency thereof and  
344 used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of  
345 food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the  
346 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale  
347 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include  
348 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may  
349 have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas  
350 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas

351 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting  
352 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to  
353 sell and serve wine and beer for on-premises consumption or in closed containers for off-premises  
354 consumption; however, the licensee shall be required to pay the local fee required for such additional  
355 license pursuant to § 4.1-233.1.

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

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

369 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in  
370 closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without  
371 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest  
372 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.  
373 However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize  
374 the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate  
375 by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic  
376 beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight  
377 lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the

378 amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at  
379 least one meal is provided each day by the hotel to such guests. With regard to facilities registered in  
380 accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are  
381 also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee,  
382 keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by  
383 the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,  
384 whether or not contiguous to the licensed premises, which may have more than one means of ingress and  
385 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control  
386 of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved  
387 for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

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

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

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

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

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



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

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

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

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

447 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery  
448 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina  
449 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine  
450 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-  
451 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-  
452 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine  
453 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The  
454 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the  
455 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With  
456 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or  
457 authorized representatives of such licensees may participate in such tastings, including the pouring of

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

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

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

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

469 1. Per-day event licenses.

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

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

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

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

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

499 2. Annual licenses.

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

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

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

520 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or  
521 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic  
522 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)  
523 any permanent retail on-premises licensee that is located within the area designated by the Board for the  
524 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for  
525 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and  
526 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such  
527 businesses. In determining the designated area for the designated outdoor refreshment area, the Board  
528 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events  
529 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may  
530 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such  
531 increase in frequency and duration. Such ordinance shall include the size and scope of the area within  
532 which such events will be held, a public safety plan, and any other considerations deemed necessary by  
533 the Board. Such limitations on the number of events that may be held shall not apply during the effective  
534 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet  
535 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,  
536 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this  
537 title and Board regulations and shall provide notice to the Board regarding the days and times during  
538 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent

539 retail on-premises licensees located within the designated area may be consumed at the event, and such  
540 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly  
541 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was  
542 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor  
543 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage  
544 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be  
545 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate  
546 security for the event to ensure compliance with the applicable provisions of this title and Board  
547 regulations.

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

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

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

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

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

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

587 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §  
588 4.1-209.1.

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

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

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

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

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

613 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-  
614 212.2.

615 **§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.**

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

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

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

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

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



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

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

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

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

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

672 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the  
673 gross receipts from the sale of mixed beverages and food.

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

681 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,  
682 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in  
683 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated  
684 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its  
685 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier  
686 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and  
687 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic  
688 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air  
689 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic  
690 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the  
691 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be  
692 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to  
693 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and  
694 beer for on-premises consumption or in closed containers for off-premises consumption; however, the  
695 licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

696 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell  
697 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during  
698 scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all

699 dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-  
700 premises consumption. Such license may be granted to persons operating food concessions at an outdoor  
701 motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a  
702 track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of  
703 the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the  
704 premises in all areas and locations covered by the license. The granting of a license pursuant to this  
705 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer  
706 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee  
707 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

708           6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve  
709 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs  
710 shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the  
711 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the  
712 sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed  
713 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license  
714 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve  
715 wine and beer for on-premises consumption or in closed containers for off-premises consumption;  
716 however, the licensee shall be required to pay the local fee required for such additional license pursuant  
717 to § 4.1-233.1.

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

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

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

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

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

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

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

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

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

763 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any  
764 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to  
765 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and  
766 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed  
767 beverage caterer at the same business premises designated in the license, with a common alcoholic  
768 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the  
769 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision  
770 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this  
771 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer  
772 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee  
773 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

774 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages  
775 in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is  
776 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and  
777 without regard to the amount of gross receipts from the sale of food prepared and consumed on the

778 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom  
779 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas  
780 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes  
781 outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one  
782 means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas  
783 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas  
784 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

785 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §  
786 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption  
787 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and  
788 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member  
789 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the  
790 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied  
791 and utilized as such.

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

797 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'  
798 association governing a commercial lifestyle center, which shall authorize any retail on-premises  
799 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any  
800 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of  
801 the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,  
802 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant  
803 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such  
804 tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises

805 restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and  
806 such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the  
807 name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic  
808 beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The  
809 licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed  
810 premises; however, no physical barriers shall be required for this purpose. The licensee shall provide  
811 adequate security for the licensed premises to ensure compliance with the applicable provisions of this  
812 title and Board regulations.

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

829 14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or  
830 association operating either a performing arts facility or an art education and exhibition facility; (ii) a  
831 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and

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

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

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



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

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

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

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

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

886 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or  
887 Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500  
888 persons and is located in Henrico County.

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

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

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

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

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

920           1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery  
921 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina  
922 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine  
923 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-  
924 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-  
925 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine  
926 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The  
927 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the  
928 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With  
929 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or  
930 authorized representatives of such licensees may participate in such tastings, including the pouring of  
931 samples. The licensee shall comply with any food inventory and sales volume requirements established  
932 by Board regulation.

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

937           3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed  
938 premises for off-premises consumption confectionery that contains five percent or less alcohol by volume.

939 Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is  
940 sold.

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

942 1. Per-day event licenses.

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

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

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

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

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

972 2. Annual licenses.

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

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

991 premises are occupied and under the control of the volunteer fire department or volunteer emergency  
992 medical services agency while the privileges of its license are being exercised.

993 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or  
994 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic  
995 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)  
996 any permanent retail on-premises licensee that is located within the area designated by the Board for the  
997 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for  
998 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and  
999 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such  
1000 businesses. In determining the designated area for the designated outdoor refreshment area, the Board  
1001 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events  
1002 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may  
1003 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such  
1004 increase in frequency and duration. Such ordinance shall include the size and scope of the area within  
1005 which such events will be held, a public safety plan, and any other considerations deemed necessary by  
1006 the Board. Such limitations on the number of events that may be held shall not apply during the effective  
1007 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet  
1008 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,  
1009 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this  
1010 title and Board regulations and shall provide notice to the Board regarding the days and times during  
1011 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent  
1012 retail on-premises licensees located within the designated area may be consumed at the event, and such  
1013 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly  
1014 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was  
1015 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor  
1016 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage  
1017 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be

1018 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate  
1019 security for the event to ensure compliance with the applicable provisions of this title and Board  
1020 regulations.

1021 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic,  
1022 or charitable membership organizations that are exempt from state and federal taxation and in charge of  
1023 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve  
1024 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the  
1025 place designated in the license. Such license shall authorize the licensee to conduct no more than 12  
1026 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically  
1027 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption;  
1028 however, the licensee shall be required to pay the local fee required for such additional license pursuant  
1029 to § 4.1-233.1.

1030 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt,  
1031 and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired  
1032 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However,  
1033 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this  
1034 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,  
1035 hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

1036 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the  
1037 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine  
1038 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic  
1039 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the  
1040 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any  
1041 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue  
1042 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

1043 E. The Board may grant a marketplace license to persons operating a business enterprise of which  
1044 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve

1045 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations  
1046 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or  
1047 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such  
1048 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace  
1049 license, the applicant's business enterprise must (i) provide a single category of goods or services in a  
1050 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in  
1051 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic  
1052 beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all  
1053 employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to  
1054 be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the  
1055 Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average  
1056 amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of  
1057 time that the business has been in operation; and (d) any other requirements deemed necessary by the  
1058 Board to protect the public health, safety, and welfare.

1059 F. The Board may grant the following shipper, bottler, and related licenses:

1060 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §  
1061 4.1-209.1.

1062 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside  
1063 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,  
1064 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for  
1065 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
1066 requirement established by Board regulations.

1067 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and  
1068 shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board  
1069 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under  
1070 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons  
1071 outside the Commonwealth for resale outside the Commonwealth.



1072 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with  
1073 a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer  
1074 owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner;  
1075 and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board  
1076 regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or  
1077 not, or any person under common control of such licensee, shall acquire or hold any financial interest,  
1078 direct or indirect, in the business for which any fulfillment warehouse license is issued.

1079 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized  
1080 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of  
1081 business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders  
1082 for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer  
1083 may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order  
1084 for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment.  
1085 Marketing portal licensees may also accept payment on behalf of the shipper.

1086 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-  
1087 212.2.

1088 **§ 4.1-212.1. (Effective until July 1, 2022) Delivery of wine and beer; kegs; regulations of**  
1089 **Board.**

1090 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is  
1091 authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands  
1092 of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers  
1093 to consumers within the Commonwealth for personal off-premises consumption.

1094 B. Any person licensed to sell wine and beer at retail for off-premises consumption in the  
1095 Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine,  
1096 and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for  
1097 personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries  
1098 may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises

1099 where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii)  
1100 such other locations as may be permitted by Board regulation.

1101 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail  
1102 for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery,  
1103 may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm  
1104 wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the  
1105 Commonwealth for personal off-premises consumption.

1106 D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the  
1107 Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers  
1108 within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law  
1109 to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking  
1110 area of the licensee's premises where such person has electronically ordered mixed beverages in advance  
1111 of the delivery or (ii) such other locations as may be permitted by Board regulation.

1112 E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-  
1113 119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic  
1114 beverages the distiller is authorized to sell through organized tasting events in accordance with subsection  
1115 G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such  
1116 deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's  
1117 premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii)  
1118 such other locations as may be permitted by Board regulation.

1119 F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth  
1120 for personal consumption only and not for resale. Such deliveries shall be performed by either (i) the  
1121 owner or any ~~agent~~, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an~~  
1122 ~~independent contractor of the licensee or permittee, provided that (a) the licensee or permittee has entered~~  
1123 ~~into a written agreement with the independent contractor establishing that the licensee or permittee shall~~  
1124 ~~be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery~~  
1125 shall be liable for any administrative violations of this section or § 4.1-304 committed ~~by the independent~~

1126 ~~contractor relating to any deliveries of alcoholic beverages made on behalf of the licensee or permittee~~  
1127 ~~and (b) only during transport through completion of the delivery. Alcoholic beverages shall not be~~  
1128 ~~delivered after 11:00 p.m. or before 6:00 a.m. Only one individual takes may take possession of the~~  
1129 alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four  
1130 cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be  
1131 lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than  
1132 four cases of beer if he notifies the Authority in writing at least one business day in advance of any such  
1133 delivery, which notice contains the name and address of the intended recipient. Except as otherwise  
1134 provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to  
1135 this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container  
1136 that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern  
1137 whether the container has been opened or tampered with subsequent to its original closure; (b) display the  
1138 name of the licensee from which the alcoholic beverages were purchased; (c) be clearly marked with the  
1139 phrase "contains alcoholic beverages"; (d) in the case of wine, beer, or, if purchased from a mixed  
1140 beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum  
1141 volume of 16 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in  
1142 an area that is rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of  
1143 delivery by bicycle, in a compartment behind the bicyclist.

1144 The Board may adopt such regulations as it reasonably deems necessary to implement the  
1145 provisions of this section. Such regulations shall include provisions that require ~~(1)~~ (A) the recipient to  
1146 demonstrate, upon delivery, that he is at least 21 years of age and ~~(2)~~ (B) the recipient to sign an electronic  
1147 or paper form or other acknowledgement of receipt as approved by the Board.

1148 G. In addition to other applicable requirements set forth in this section, the following provisions  
1149 shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed  
1150 beverages pursuant to this section:

1151 1. ~~Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m.~~  
1152 ~~or before 6:00 a.m.;~~

1153 ~~2.~~ No distiller shall sell for off-premises consumption or deliver more than two mixed beverages  
1154 at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell  
1155 for off-premises consumption or deliver more than four mixed beverages at any one time;

1156 ~~3-2.~~ All mixed beverages sold for off-premises consumption or delivered by a mixed beverage  
1157 restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer ~~and have a~~  
1158 ~~maximum combined volume of 16 ounces; and~~

1159 ~~4-3.~~ Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least  
1160 one meal with every two mixed beverages sold for off-premises consumption or delivered; ~~and~~

1161 ~~5.~~ Mixed beverages sold for off-premises consumption or delivered shall be in single original metal  
1162 cans or in glass, paper, plastic, or similar disposable containers that include a secure lid, cap, or similar  
1163 closure that prevents the mixed beverage from being consumed without removal of such lid, cap, or similar  
1164 closure.

1165 The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-  
1166 premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any  
1167 summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of §  
1168 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the  
1169 notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed  
1170 to the licensee's residence or the address listed for the licensed premises on the initial license application.

1171 H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each  
1172 delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia.  
1173 The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes  
1174 monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already  
1175 been paid.

1176 I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises  
1177 consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation.  
1178 The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration  
1179 seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board,

1180 designed to be affixed to kegs, and displays a registration number and such other information as may be  
1181 prescribed by the Board.

1182 **§ 4.1-212.1. (Effective July 1, 2022) Delivery of wine and beer; kegs; regulations of Board.**

1183 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is  
1184 authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands  
1185 of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers  
1186 to consumers within the Commonwealth for personal off-premises consumption.

1187 B. Any person licensed to sell wine and beer at retail for off-premises consumption in the  
1188 Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine,  
1189 and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for  
1190 personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries  
1191 may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises  
1192 where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii)  
1193 such other locations as may be permitted by Board regulation.

1194 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail  
1195 for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery,  
1196 may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm  
1197 wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the  
1198 Commonwealth for personal off-premises consumption.

1199 D. All such deliveries shall be to consumers within the Commonwealth for personal consumption  
1200 only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the  
1201 owner or any ~~agent~~, officer, director, shareholder, or employee of the licensee or permittee or (ii) ~~an~~  
1202 ~~independent contractor of the licensee or permittee, provided that (a) the licensee or permittee has entered~~  
1203 ~~into a written agreement with the independent contractor establishing that the licensee or permittee shall~~  
1204 ~~be vicariously a third-party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery~~  
1205 shall be liable for any administrative violations of this section or § 4.1-304 committed by the independent  
1206 ~~contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the licensee or permittee~~

1207 ~~and (b) only~~ during transport through completion of the delivery. Alcoholic beverages shall not be  
1208 delivered after 11:00 p.m. or before 6:00 a.m. Only one individual ~~takes~~ may take possession of the beer,  
1209 wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four  
1210 cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be  
1211 lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than  
1212 four cases of beer if he notifies the Authority in writing at least one business day in advance of any such  
1213 delivery, which notice contains the name and address of the intended recipient. Except as otherwise  
1214 provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this  
1215 section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that  
1216 has no straw holes or other openings and is sealed in a manner that allows a person to readily discern  
1217 whether the container has been opened or tampered with subsequent to its original closure; (b) display the  
1218 name of the licensee from which the wine or beer was purchased; (c) be clearly marked with the phrase  
1219 "contains alcoholic beverages"; (d) have a maximum volume of 16 ounces per beverage; and (e) during  
1220 delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is rear of the driver's seat, (3) in a  
1221 locked container or compartment, or (4) in the case of delivery by bicycle, in a compartment behind the  
1222 bicyclist.

1223 The Board may adopt such regulations as it reasonably deems necessary to implement the  
1224 provisions of this section. Such regulations shall include provisions that require ~~(1)~~ (A) the recipient to  
1225 demonstrate, upon delivery, that he is at least 21 years of age and ~~(2)~~ (B) the recipient to sign an electronic  
1226 or paper form or other acknowledgement of receipt as approved by the Board.

1227 E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each  
1228 delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or  
1229 permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the  
1230 Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

1231 F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises  
1232 consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation.  
1233 The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration

1234 seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board,  
1235 designed to be affixed to kegs, and displays a registration number and such other information as may be  
1236 prescribed by the Board.

1237 **§ 4.1-212.2. Third-party deliveries; limitations; penalties.**

1238 A. For the purposes of this section, "delivery personnel" means any employee, agent, or  
1239 independent contractor of the third-party delivery licensee that engages in direct-to-consumer alcoholic  
1240 beverage delivery on behalf of the third-party delivery licensee.

1241 B. A third-party delivery license shall authorize the licensee to deliver alcoholic beverages to a  
1242 consumer pursuant to an order for such alcoholic beverages placed with a licensee vested with delivery  
1243 privileges. Except as otherwise permitted under § 4.1-212.1, no person shall provide alcoholic beverage  
1244 delivery services in the Commonwealth unless such person holds a third-party delivery license and is  
1245 registered with the State Corporation Commission. All deliveries of alcoholic beverages by a third-party  
1246 delivery licensee shall comply with the following: (i) alcoholic beverages shall be delivered only to  
1247 persons who are 21 years of age or older and have provided valid identification that provides bona fide  
1248 evidence of legal age, as prescribed in § 4.1-304; (ii) the third-party delivery licensee shall verify at the  
1249 time of delivery that the recipient is 21 years of age or older, ensure that the recipient's identification bears  
1250 a photograph that reasonably appears to match the appearance of the recipient, and record the recipient's  
1251 name and date of birth and the address to which the alcoholic beverages were delivered; (iii) alcoholic  
1252 beverages shall not be delivered to any person whom the third-party delivery licensee knows or has reason  
1253 to believe is intoxicated; (iv) except for deliveries made on behalf of the Authority, alcoholic beverages  
1254 shall be delivered only for personal use and not for resale; (v) alcoholic beverages shall not be delivered  
1255 to a correctional facility, a reformatory, a locker mailbox, a package shipping or storage facility, a retail  
1256 licensee, or undergraduate housing at an institution of higher education; (vi) any alcoholic beverage that  
1257 cannot be lawfully delivered shall be promptly returned to the licensed establishment at which the  
1258 alcoholic beverage was purchased; (vii) only alcoholic beverages obtained directly from the licensed  
1259 establishment with which the order was placed may be delivered; and (viii) the provisions of § 4.1-212.1

1260 and any other requirements imposed on the delivery of alcoholic beverages by this subtitle or Board  
1261 regulation.

1262 C. In addition to the application requirements set forth in § 4.1-230 and any regulations or  
1263 requirements adopted pursuant thereto, third-party delivery licensees shall provide to the Board, at the  
1264 time of application and annually thereafter or as otherwise required by the Board, written certification that  
1265 the third-party delivery licensee is in compliance with all applicable requirements set forth in Article 2 (§  
1266 46.2-2141 et seq.) of Chapter 21 of Title 46.2. Third-party delivery licensees shall also provide to the  
1267 Board, upon request, a copy of any contracts entered into by the licensee with any person offering  
1268 alcoholic beverages for delivery.

1269 D. Third-party delivery licensees shall provide to the Board, at the time of application and annually  
1270 thereafter or as otherwise required by the Board, written certification that all delivery personnel (i) prior  
1271 to delivering alcoholic beverages and annually thereafter, have completed and passed with a score of no  
1272 less than 80 percent a Board-approved public safety course; (ii) are 21 years of age or older; (iii) have a  
1273 valid driver's license, vehicle inspection, and vehicle registration; (iv) within the last seven years, have  
1274 not been convicted of any of the following offenses under Virginia law or a substantially similar ordinance  
1275 or law in any other jurisdiction: driving under the influence in violation of § 18.2-266 or 46.2-341.24 or a  
1276 violation of § 4.1-304, 18.2-36.1, 18.2-51.4, 18.2-95, 18.2-357.1, or 46.2-894; (v) within the last three  
1277 years, have not been convicted of more than three vehicle moving violations; and (vi) are not required to  
1278 register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et  
1279 seq.) of Title 9.1 or listed on the U.S. Department of Justice's National Sex Offender Public Website.

1280 E. Any person who violates the provisions of this section shall be required to pay (i) \$2,500 for a  
1281 first violation and (ii) \$5,000 for any second or subsequent violation. The penalties provided under this  
1282 subsection may be imposed in addition to or without imposing any other penalties or actions provided by  
1283 law.

1284 F. Notwithstanding subsection B, a third-party delivery licensee may deliver alcoholic beverages  
1285 to a retail licensee if such alcoholic beverages are being delivered on behalf of the Authority.

1286 **§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.**



1287           A. Every person intending to apply for any license authorized by this chapter shall file with the  
1288 Board an application on forms provided by the Board and a statement in writing by the applicant swearing  
1289 and affirming that all of the information contained therein is true.

1290           Applicants for retail licenses for establishments that serve food or are otherwise required to obtain  
1291 a food establishment permit from the Department of Health or an inspection by the Department of  
1292 Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a  
1293 pending application for such permit, or proof of a pending request for such inspection. If the applicant  
1294 provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof  
1295 of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on  
1296 the basis of a pending application or inspection, such license shall authorize the licensee to purchase  
1297 alcoholic beverages in accordance with the provisions of this title; however, the licensee shall not sell or  
1298 serve alcoholic beverages until a permit is issued or an inspection is completed.

1299           B. In addition, each applicant for a license under the provisions of this chapter, except applicants  
1300 for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine  
1301 and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of  
1302 Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with  
1303 the Board on the front door of the building, place, or room where he proposes to engage in such business  
1304 for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such  
1305 information as required by the Board, including a statement that any objections shall be submitted to the  
1306 Board not more than 30 days following initial publication of the notice required pursuant to this  
1307 subsection.

1308           The applicant shall also cause notice to be published at least once a week for two consecutive  
1309 weeks in a newspaper published in or having a general circulation in the county, city, or town wherein  
1310 such applicant proposes to engage in such business. Such notice shall contain such information as required  
1311 by the Board, including a statement that any objections to the issuance of the license be submitted to the  
1312 Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and

1313 beer shipper's licensees, third-party delivery licensees, delivery permittees, or operators of boats, dining  
1314 cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

1315 Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club  
1316 events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts  
1317 venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal  
1318 history records search, which may include a fingerprint-based national criminal history records search, on  
1319 each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a  
1320 criminal history records search and completed personal data form for officers, directors, nonmanaging  
1321 members, or limited partners of any applicant corporation, limited liability company, or limited  
1322 partnership.

1323 Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall  
1324 notify the local governing body of each license application through the county or city attorney or the chief  
1325 law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections  
1326 to the granting of a license within 30 days of the filing of the application.

1327 C. Each applicant shall pay the required application fee at the time the application is filed. Each  
1328 license application fee, including annual banquet and annual mixed beverage banquet, shall be \$195, plus  
1329 the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the  
1330 Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of  
1331 Investigation or the Central Criminal Records Exchange for each criminal history records search required  
1332 by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the  
1333 application fee shall be \$15. The application fee for banquet special event and mixed beverage special  
1334 event licenses shall be \$45. Application fees shall be in addition to the state license fee required pursuant  
1335 to § 4.1-231.1 and shall not be refunded.

1336 D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however,  
1337 all licensees shall file and maintain with the Board a current, accurate record of the information required  
1338 by the Board pursuant to subsection A and notify the Board of any changes to such information in  
1339 accordance with Board regulations.

1340 E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the  
1341 Board. Such permits shall confer upon their holders no authority to make solicitations in the  
1342 Commonwealth as otherwise provided by law.

1343 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section  
1344 for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied  
1345 by the number of months for which the permit is granted.

1346 F. The Board shall have the authority to increase state license fees from the amounts set forth in §  
1347 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the  
1348 basis of the consumer price index and shall not increase fees more than once every three years. Prior to  
1349 implementing any state license fee increase, the Board shall provide notice to all licensees and the general  
1350 public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any  
1351 license affected by the Board's proposed fee increases. Such notice shall be provided on or before  
1352 November 1 in any year in which the Board has decided to increase state license fees, and such increases  
1353 shall become effective July 1 of the following year.

1354 **§ 4.1-231.1. Fees on state licenses.**

1355 A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1356 1. Manufacturer licenses. For each:

1357 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or  
1358 spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000  
1359 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000  
1360 gallons manufactured during such year, \$4,060;

1361 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured  
1362 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured  
1363 during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured  
1364 during such year, \$4,690;

1365 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which  
1366 the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

- 1367 d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;
- 1368 e. Wine importer's license, \$460; and
- 1369 f. Beer importer's license, \$460.
- 1370 2. Wholesale licenses. For each:
  - 1371 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
  - 1372 less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
  - 1373 year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and
  - 1374 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall
  - 1375 be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
  - 1376 license;
  - 1377 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less
  - 1378 per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
  - 1379 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
  - 1380 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of
  - 1381 wine per year; and
  - 1382 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
  - 1383 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision
  - 1384 b (1), multiplied by the number of separate locations covered by the license.
  - 1385 3. Retail licenses — mixed beverage. For each:
    - 1386 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
    - 1387 restaurants located on premises of and operated by hotels or motels, or other persons:
      - 1388 (1) With a seating capacity at tables for up to 100 persons, \$1,050;
      - 1389 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
      - 1390 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
      - 1391 \$1,980;
      - 1392 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
      - 1393 \$2,500; and

- 1394 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
- 1395 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
- 1396 private, nonprofit clubs:
- 1397 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
- 1398 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
- 1399 \$2,440; and
- 1400 (3) With an average yearly membership of more than 500 resident members, \$3,410;
- 1401 c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a
- 1402 casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises
- 1403 of the casino gaming establishment;
- 1404 d. Mixed beverage caterer's license, \$1,990;
- 1405 e. Mixed beverage limited caterer's license, \$550;
- 1406 f. Mixed beverage carrier license:
- 1407 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
- 1408 the Commonwealth by a common carrier of passengers by train;
- 1409 (2) \$910 for each common carrier of passengers by boat;
- 1410 (3) \$520 for each common carrier of passengers by bus; and
- 1411 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;
- 1412 g. Annual mixed beverage motor sports facility license, \$630;
- 1413 h. Limited mixed beverage restaurant license:
- 1414 (1) With a seating capacity at tables for up to 100 persons, \$945;
- 1415 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
- 1416 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
- 1417 i. Annual mixed beverage performing arts facility license, \$630;
- 1418 j. Bed and breakfast license, \$100;
- 1419 k. Museum license, \$260;
- 1420 l. Motor car sporting event facility license, \$300;

- 1421 m. Commercial lifestyle center license, \$300;
- 1422 n. Mixed beverage port restaurant license, \$1,050; and
- 1423 o. Annual mixed beverage special events license, \$630.
- 1424 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and
- 1425 beer license, \$450.
- 1426 5. Retail licenses — off-premises wine and beer. For each:
- 1427 a. Retail off-premises wine and beer license, \$300;
- 1428 b. Gourmet brewing shop license, \$320; and
- 1429 c. Confectionery license, \$170.
- 1430 6. Retail licenses — banquet, special event, and tasting licenses.
- 1431 a. Per-day event licenses. For each:
- 1432 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by
- 1433 the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 1434 (2) Mixed beverage special events license, \$45 for each day of each event;
- 1435 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 1436 (4) Tasting license, \$40.
- 1437 b. Annual licenses. For each:
- 1438 (1) Annual banquet license, \$300;
- 1439 (2) Banquet facility license, \$260;
- 1440 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
- 1441 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1442 (4) Annual mixed beverage banquet license, \$630;
- 1443 (5) Equine sporting event license, \$300; and
- 1444 (6) Annual arts venue event license, \$300.
- 1445 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
- 1446 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1447 a. Wine and beer shipper's license, \$230;

1448 b. Internet wine and beer retailer license, \$240;  
1449 c. Bottler license, \$1,500;  
1450 d. Fulfillment warehouse license, \$210;~~and~~  
1451 e. Marketing portal license, \$285; and  
1452 f. Third-party delivery license, \$7,500, unless the licensee provides written certification to the  
1453 Board that the licensee has no more than 25 delivery personnel, including employees, agents, and  
1454 independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the  
1455 license fee shall be \$2,500.

1456 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax  
1457 imposed by this section on the license for which the applicant applied.

1458 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall  
1459 be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by  
1460 the number of months in the license period, and then increased by five percent. Such tax shall not be  
1461 refundable, except as provided in § 4.1-232.

1462 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state  
1463 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,  
1464 shall be liable to state merchants' license taxation and state restaurant license taxation and other state  
1465 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer  
1466 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license  
1467 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the  
1468 liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale  
1469 merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be  
1470 disregarded.

1471 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license  
1472 purchased in person from the Board if such license is available for purchase online.

1473 **§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container while**  
1474 **operating a motor vehicle and presumption; penalty.**

1475 A. It ~~shall be~~ is unlawful for any person to consume an alcoholic beverage while driving a motor  
1476 vehicle upon a public highway of ~~this~~ the Commonwealth.

1477 B. ~~A~~ Unless the driver is delivering alcoholic beverages in accordance with the provisions of §  
1478 4.1-212.1, a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of  
1479 this section shall be created if (i) an open container is located within the passenger area of the motor  
1480 vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed, and (iii) the  
1481 appearance, conduct, odor of alcohol, speech, or other physical characteristic of the driver of the motor  
1482 vehicle may be reasonably associated with the consumption of an alcoholic beverage.

1483 C. For the purposes of this section:

1484 "Open container" means any vessel containing an alcoholic beverage, except the originally sealed  
1485 manufacturer's container.

1486 "Passenger area" means the area designed to seat the driver of any motor vehicle, any area within  
1487 the reach of the driver, including an unlocked glove compartment, and the area designed to seat  
1488 passengers. ~~This term shall~~ "Passenger area" does not include the trunk of any passenger vehicle, the area  
1489 behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle, or any  
1490 similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed,  
1491 maintained, or used primarily for the transportation of persons for compensation, including a bus, taxi, or  
1492 limousine, while engaged in the transportation of such persons.

1493 C. A violation of this section is punishable as a Class 4 misdemeanor.

1494 **2. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts**  
1495 **of Assembly of 2021, Special Session I, are amended and reenacted as follows:**

1496 **2. That the provisions of this act shall expire on July 1, ~~2022~~ 2024.**

1497 **3. That the Virginia Alcoholic Beverage Control Authority shall collect data regarding the**  
1498 **compliance of third-party delivery licensees with the provisions of this act and report such data to**  
1499 **the Chairmen of the House Committee on General Laws and the Senate Committee on**  
1500 **Rehabilitation and Social Services by November 1, 2023.**



1501 4. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall monitor the  
1502 implementation of the provision of this act to identify any difficulties of third-party delivery  
1503 licensees in determining locations to which alcoholic beverages may be delivered and the adequacy  
1504 of applicable training and education programs. The Board of Directors of the Authority shall  
1505 promulgate regulations, if necessary, to address any issues identified during such monitoring  
1506 process.

1507 #