

HOUSE BILL NO. 455

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Knight)

A BILL to amend and reenact §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia, relating to casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting and games.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.3, 4.1-103, 4.1-111, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

27 2. Records of active investigations being conducted by the Department of Health Professions or
28 by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

29 3. Investigator notes, and other correspondence and information, furnished in confidence with
30 respect to an active investigation of individual employment discrimination complaints made to the
31 Department of Human Resource Management, to such personnel of any local public body, including local
32 school boards, as are responsible for conducting such investigations in confidence, or to any public
33 institution of higher education. However, nothing in this subdivision shall prevent the disclosure of
34 information taken from inactive reports in a form that does not reveal the identity of charging parties,
35 persons supplying the information, or other individuals involved in the investigation.

36 4. Records of active investigations being conducted by the Department of Medical Assistance
37 Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

38 5. Investigative notes and other correspondence and information furnished in confidence with
39 respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice
40 under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in
41 accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior
42 to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations
43 commissions. However, nothing in this subdivision shall prevent the distribution of information taken
44 from inactive reports in a form that does not reveal the identity of the parties involved or other persons
45 supplying information.

46 6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents,
47 (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or
48 regulations that cause abuses in the administration and operation of the lottery and any evasions of such
49 provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where
50 such information has not been publicly released, published or copyrighted. All studies and investigations
51 referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of
52 the study or investigation.

53 7. Investigative notes, correspondence and information furnished in confidence, and records
54 otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the
55 Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate
56 authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud
57 and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector
58 General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an
59 investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the
60 head of a state agency or by any public institution of higher education; (vi) the committee or the auditor
61 with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed
62 by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or
63 statute have responsibility for conducting an investigation of any officer, department, or program of such
64 body. Information contained in completed investigations shall be disclosed in a form that does not reveal
65 the identity of the complainants or persons supplying information to investigators. Unless disclosure is
66 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of
67 the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve
68 the complaint. If an investigation does not lead to corrective action, the identity of the person who is the
69 subject of the complaint may be released only with the consent of the subject person. Local governing
70 bodies shall adopt guidelines to govern the disclosure required by this subdivision.

71 8. The names, addresses, and telephone numbers of complainants furnished in confidence with
72 respect to an investigation of individual zoning enforcement complaints or complaints relating to the
73 Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et
74 seq.) made to a local governing body.

75 9. Records of active investigations being conducted by the Department of Criminal Justice
76 Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185
77 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

78 10. Information furnished to or prepared by the Board of Education pursuant to subsection D of §
79 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security,

80 unauthorized alteration, or improper administration of tests by local school board employees responsible
81 for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of
82 such information to (i) a local school board or division superintendent for the purpose of permitting such
83 board or superintendent to consider or to take personnel action with regard to an employee or (ii) any
84 requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity
85 of any person making a complaint or supplying information to the Board on a confidential basis and (b)
86 does not compromise the security of any test mandated by the Board.

87 11. Information contained in (i) an application for licensure or renewal of a license for teachers
88 and other school personnel, including transcripts or other documents submitted in support of an
89 application, and (ii) an active investigation conducted by or for the Board of Education related to the
90 denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel
91 licenses including investigator notes and other correspondence and information, furnished in confidence
92 with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a)
93 application information to the applicant at his own expense or (b) investigation information to a local
94 school board or division superintendent for the purpose of permitting such board or superintendent to
95 consider or to take personnel action with regard to an employee. Information contained in completed
96 investigations shall be disclosed in a form that does not reveal the identity of any complainant or person
97 supplying information to investigators. The completed investigation information disclosed shall include
98 information regarding the school or facility involved, the identity of the person who was the subject of the
99 complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation
100 fails to support a complaint or does not lead to corrective action, the identity of the person who was the
101 subject of the complaint may be released only with the consent of the subject person. No personally
102 identifiable information regarding a current or former student shall be released except as permitted by
103 state or federal law.

104 12. Information provided in confidence and related to an investigation by the Attorney General
105 under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10
106 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-

1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;
4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;
5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;
6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority

134 upon such terms and conditions as are prescribed by the United States and as are consistent with state law,
135 and all state moneys accepted under this section shall be expended by the Authority upon such terms and
136 conditions as are prescribed by the Commonwealth;

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

146 8. Conduct or engage in any lawful business, activity, effort, or project consistent with the
147 Authority's purposes or necessary or convenient to exercise its powers;

148 9. Develop policies and procedures generally applicable to the procurement of goods, services,
149 and construction, based upon competitive principles;

150 10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43
151 of Title 2.2;

152 11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm
153 wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its
154 possession for sale;

155 12. Buy and sell any mixers;

156 13. Buy and sell products licensed by the Virginia Tourism Corporation that are within
157 international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares
158 and glass), and 25 (clothing);

159 14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

160 15. Determine, subject to § 4.1-121, the localities within which government stores shall be
161 established or operated and the location of such stores;

162 16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic
163 beverages to and from such warehouses;

164 17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or
165 mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes
166 of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest
167 therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease
168 as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein,
169 at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and
170 on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property,
171 real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the
172 Authority on such terms and conditions as may be determined by the Board; and occupy and improve any
173 land or building required for the purposes of this title;

174 18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be
175 considered necessary or useful in carrying into effect the purposes of this title, including rectifying,
176 blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and
177 manufacture alcoholic beverages;

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

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

185 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the
186 production of records, memoranda, papers and other documents before the Board or any agent of the

187 Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member
188 or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony
189 thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved.
190 The Board may enter into consent agreements and may request and accept from any applicant or licensee
191 a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary
192 action. Any such consent agreement shall include findings of fact and may include an admission or a
193 finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall
194 not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et
195 seq.), but may be considered by the Board in future disciplinary proceedings;

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

201 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.)
202 and § 4.1-111;

203 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation,
204 and sale of alcoholic beverages;

205 25. Assess and collect civil penalties and civil charges for violations of this title and Board
206 regulations;

207 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

208 27. Establish minimum food sale requirements for all retail licensees;

209 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief
210 Executive Officer as the Board deems appropriate;

211 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-
212 enforcement activities undertaken to enforce the provisions of this title;

213 30. Establish and collect fees for all permits set forth in this title, including fees associated with
214 applications for such permits;

215 31. Impose a requirement that a mixed beverage ~~restaurant~~ casino licensee ~~located on the premises~~
216 ~~of and operated by a casino gaming establishment~~ pursuant to subdivision A 15 of § 4.1-206.3 pay for any
217 cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

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

219 **§ 4.1-111. Regulations of Board.**

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

225 B. The Board shall promulgate regulations that:

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

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

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

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

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

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

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

250 8. Require that banquet licensees in charge of public events as defined by Board regulations report
251 to the Board the income and expenses associated with the public event on a form prescribed by the Board
252 when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of
253 the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages
254 are being sold.

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

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

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

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

265 13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic
266 beverages, not inconsistent with the provisions of this title, so that such advertising does not encourage or

267 otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may
268 not be lawfully sold. Such regulations shall:

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

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

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

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

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

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

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

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

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

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

318 22. Require mixed beverage licensees, except for mixed beverage casino licensees, to have food,
319 cooked or prepared on the licensed premises, available for on-premises consumption until at least 30

320 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed
321 premises in which spirits are sold or served.

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

326 C. The Board may promulgate regulations that:

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

332 2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the
333 course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-
334 325.2.

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

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

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

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

342 **§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine**
343 **or beer wholesalers, and authorized representatives.**

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

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

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

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

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

355 5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed
356 16 ounces of beer, six ounces of wine, or one and one-half ounces of spirits; however, for any spirits
357 tastings, no single sample shall exceed one-half ounce of spirits, unless served as a mixed beverage, in
358 which case a single sample of spirits may contain up to one and one-half ounces of spirits; and

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

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

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

372 **§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.**

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

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

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

395 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
396 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
397 another city with which it has an agreement for reciprocal dining privileges, such license shall also
398 authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption
399 and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid
400 ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club

401 prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the
402 Board and located on another portion of the premises of the same hotel or motel building, this fact shall
403 not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's
404 gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its
405 members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts
406 from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be
407 excluded in any consideration of the qualifications of such restaurant for a license from the Board.

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

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

422 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an
423 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage
424 restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on
425 the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee.
426 Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed
427 beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after

428 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the
429 premises of the mixed beverage casino licensee, including entertainment venues, conference rooms,
430 private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant
431 pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable
432 container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was
433 purchased.

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

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

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

451 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
452 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
453 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
454 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its

455 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier
456 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and
457 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic
458 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air
459 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic
460 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the
461 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be
462 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to
463 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
464 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
465 licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

478 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
479 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
480 shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining
481 areas of the restaurant or off-premises consumption. Such license may be granted only to persons who

482 operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the
483 sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and
484 alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize
485 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed
486 containers for off-premises consumption; however, the licensee shall be required to pay the local fee
487 required for such additional license pursuant to § 4.1-233.1.

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

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

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

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

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

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

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

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

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

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

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

536 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
537 beverage caterer at the same business premises designated in the license, with a common alcoholic
538 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
539 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
540 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this
541 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer
542 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee
543 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

555 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
556 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
557 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
558 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member
559 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the
560 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied
561 and utilized as such.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

713 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery
714 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina
715 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine
716 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-
717 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-
718 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine
719 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The
720 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the
721 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With
722 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or
723 authorized representatives of such licensees may participate in such tastings, including the pouring of

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

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

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

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

735 1. Per-day event licenses.

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

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

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

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

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

765 2. Annual licenses.

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

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

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

786 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
787 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
788 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
789 any permanent retail on-premises licensee that is located within the area designated by the Board for the
790 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
791 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
792 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
793 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
794 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events
795 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may
796 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such
797 increase in frequency and duration. Such ordinance shall include the size and scope of the area within
798 which such events will be held, a public safety plan, and any other considerations deemed necessary by
799 the Board. Such limitations on the number of events that may be held shall not apply during the effective
800 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet
801 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,
802 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this
803 title and Board regulations and shall provide notice to the Board regarding the days and times during
804 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent

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

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

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

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

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

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

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

853 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §
854 4.1-209.1.

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

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

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

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

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

879 **§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.**

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

881 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed
882 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may
883 be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food
884 cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises,

885 after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed
886 beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor
887 dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have
888 more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are
889 under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall
890 not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

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

912 of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any
913 consideration of the qualifications of such restaurant for a license from the Board.

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

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

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

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

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

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

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

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

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

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

984 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
985 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
986 shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the
987 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the
988 sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed
989 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license
990 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve
991 wine and beer for on-premises consumption or in closed containers for off-premises consumption;

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

994 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee
995 to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable
996 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
997 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the
998 Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for
999 on-premises consumption or in closed containers for off-premises consumption; however, the licensee
1000 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such
1001 licenses may be granted to the following:

1002 a. Corporations or associations operating a performing arts facility, provided the performing arts
1003 facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease,
1004 the original term of which was for more than one year's duration; and (iii) has been rehabilitated in
1005 accordance with historic preservation standards;

1006 b. Persons operating food concessions at any performing arts facility located in the City of Norfolk
1007 or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-
1008 term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity
1009 in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards;
1010 and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the
1011 premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum
1012 established by Board regulations for mixed beverage restaurants;

1013 c. Persons operating food concessions at any performing arts facility located in the City of
1014 Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease
1015 or concession agreement, the original term of which was more than five years; (ii) has a total capacity in
1016 excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

1017 d. Persons operating food concessions at any performing arts facility located in the arts and cultural
1018 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona

1019 fide long-term lease or concession agreement, the original term of which was more than five years; (ii)
1020 has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts
1021 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages
1022 served on the premises that meet or exceed the monthly minimum established by Board regulations for
1023 mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

1024 e. Persons operating food concessions at any multipurpose theater located in the historical district
1025 of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity
1026 and (ii) has a total capacity in excess of 100 patrons;

1027 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or
1028 similar facility that has seating for more than 20,000 persons and is located in Prince William County or
1029 the City of Virginia Beach;

1030 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or
1031 similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the
1032 City of Portsmouth; or

1033 h. Persons operating food concessions at any corporate and performing arts facility located in
1034 Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide
1035 long-term lease, management, or concession agreement, the original term of which was more than one
1036 year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the
1037 dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the
1038 licensed premises approved by the Board.

1039 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
1040 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
1041 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
1042 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
1043 beverage caterer at the same business premises designated in the license, with a common alcoholic
1044 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
1045 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision

1046 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this
1047 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer
1048 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee
1049 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

1050 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages
1051 in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
1052 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
1053 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
1054 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
1055 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
1056 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes
1057 outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one
1058 means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas
1059 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas
1060 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

1061 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
1062 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
1063 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
1064 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member
1065 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the
1066 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied
1067 and utilized as such.

1068 11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
1069 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
1070 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or
1071 indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's
1072 premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

1073 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
1074 association governing a commercial lifestyle center, which shall authorize any retail on-premises
1075 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
1076 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of
1077 the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
1078 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
1079 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such
1080 tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises
1081 restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and
1082 such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the
1083 name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic
1084 beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The
1085 licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed
1086 premises; however, no physical barriers shall be required for this purpose. The licensee shall provide
1087 adequate security for the licensed premises to ensure compliance with the applicable provisions of this
1088 title and Board regulations.

1089 13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve
1090 mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such
1091 license may be granted only to persons operating a business (i) that is primarily engaged in the sale of
1092 meals; (ii) that is located on property owned by the United States government or an agency thereof and
1093 used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of
1094 food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the
1095 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale
1096 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include
1097 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may
1098 have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas
1099 are under the control of the licensee and approved by the Board. Such noncontiguous designated areas

1100 shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting
1101 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to
1102 sell and serve wine and beer for on-premises consumption or in closed containers for off-premises
1103 consumption; however, the licensee shall be required to pay the local fee required for such additional
1104 license pursuant to § 4.1-233.1.

1105 14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or
1106 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
1107 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and
1108 objects significant in American history and culture; (iii) persons operating an agricultural event and
1109 entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space
1110 and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped
1111 with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events
1112 conducted on the premises of a museum for historic interpretation that is owned and operated by the
1113 locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a
1114 bona fide lease, the original term of which was for more than one year's duration. Such license shall
1115 authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-
1116 premises consumption in areas upon the licensed premises approved by the Board.

1117 15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed
1118 beverages for on-premises consumption in areas designated by the Board, after consultation with the
1119 mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food
1120 prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for
1121 on-premises consumption in private areas or restricted access areas designated by the Board, after
1122 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the
1123 premises of the mixed beverage casino licensee, including entertainment venues, private rooms,
1124 conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this
1125 subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
1126 consumption and in closed containers for off-premises consumption in accordance with the provisions of

1127 this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee
1128 required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the
1129 contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this
1130 subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall
1131 not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

1132 A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed
1133 containers for personal consumption off the licensed premises or in areas designated by the Board, after
1134 consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty
1135 or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises
1136 consumption. A summary of the operation of such loyalty or reward credit program shall be provided to
1137 the Board upon request.

1138 A mixed beverage casino license may only be issued to a casino gaming establishment owned by
1139 an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

1140 B. The Board may grant an on-and-off-premises wine and beer license to the following:

1141 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in
1142 closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without
1143 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest
1144 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.
1145 However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize
1146 the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate
1147 by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic
1148 beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight
1149 lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the
1150 amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at
1151 least one meal is provided each day by the hotel to such guests. With regard to facilities registered in
1152 accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are
1153 also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee,

1154 keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by
1155 the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,
1156 whether or not contiguous to the licensed premises, which may have more than one means of ingress and
1157 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control
1158 of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved
1159 for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

1160 2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients
1161 for their on-premises consumption only in such rooms, provided the consent of the patient's attending
1162 physician is first obtained or (ii) in closed containers for off-premises consumption.

1163 3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises
1164 consumption or in closed containers for off-premises consumption. No license shall be granted unless (i)
1165 the grocery store is located in any town or in a rural area outside the corporate limits of any city or town
1166 and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists
1167 and that public convenience and the purposes of this title will be promoted by granting the license.

1168 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer
1169 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,
1170 walkways, concession areas, and additional locations designated by the Board (i) in closed containers for
1171 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
1172 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
1173 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered
1174 by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums,
1175 racetracks, or similar facilities.

1176 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
1177 during the performance of any event to patrons within all seating areas, concourses, walkways, or
1178 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
1179 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
1180 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own

1181 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.
1182 Such licenses may be granted to persons operating food concessions at any outdoor performing arts
1183 amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in
1184 Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500
1185 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or
1186 Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500
1187 persons and is located in Henrico County.

1188 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to
1189 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
1190 and such additional locations designated by the Board in such facilities (i) in closed containers for off-
1191 premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal
1192 cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume
1193 his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
1194 license. Such licenses may be granted to persons operating food concessions at exhibition or exposition
1195 halls, convention centers, or similar facilities located in any county operating under the urban county
1196 executive form of government or any city that is completely surrounded by such county. For purposes of
1197 this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting
1198 private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet
1199 of floor space.

1200 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during
1201 events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession
1202 areas, dining areas, and such additional locations designated by the Board in such facilities, for on-
1203 premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to
1204 this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such
1205 licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural
1206 Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

1207 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or
1208 without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be
1209 lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The
1210 privileges of this license shall be limited to the premises of the historic cinema house regularly occupied
1211 and utilized as such.

1212 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
1213 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
1214 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3)
1215 of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the
1216 consuming public about historic beer products. The privileges of this license shall be limited to the
1217 premises of the museum, regularly occupied and utilized as such.

1218 C. The Board may grant the following off-premises wine and beer licenses:

1219 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery
1220 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina
1221 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine
1222 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-
1223 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-
1224 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine
1225 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The
1226 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the
1227 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With
1228 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or
1229 authorized representatives of such licensees may participate in such tastings, including the pouring of
1230 samples. The licensee shall comply with any food inventory and sales volume requirements established
1231 by Board regulation.

1232 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
1233 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,

1234 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
1235 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

1236 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed
1237 premises for off-premises consumption confectionery that contains five percent or less alcohol by volume.
1238 Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is
1239 sold.

1240 D. The Board may grant the following banquet, special event, and tasting licenses:

1241 1. Per-day event licenses.

1242 a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit
1243 corporations or associations in charge of special events, which shall authorize the licensee to sell or give
1244 wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in
1245 such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i)
1246 shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-
1247 premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than
1248 one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform,
1249 may ship such wine, in accordance with Board regulations, in closed containers to persons located within
1250 the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of
1251 each banquet or special event. For the purposes of this subdivision, when the location named in the original
1252 application for a license is outdoors, the application may also name an alternative location in the event of
1253 inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a
1254 retail wine and beer license.

1255 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association
1256 in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-
1257 premises consumption in areas approved by the Board on the premises of the place designated in the
1258 license. A separate license shall be required for each day of each special event.

1259 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
1260 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members

1261 and their guests in areas approved by the Board on the club premises. A separate license shall be required
1262 for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar
1263 year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
1264 obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall
1265 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

1266 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
1267 of the type specified in the license in designated areas at events held by the licensee. A tasting license
1268 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
1269 beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting
1270 license shall be required for conduct authorized by § 4.1-201.1.

1271 2. Annual licenses.

1272 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
1273 membership organizations that are exempt from state and federal taxation and in charge of banquets
1274 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and
1275 beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
1276 or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.
1277 For the purposes of this subdivision, when the location named in the original application for a license is
1278 outdoors, the application may also name an alternative location in the event of inclement weather.
1279 However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer
1280 license.

1281 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical
1282 services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired
1283 alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests
1284 thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall
1285 not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use
1286 the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency
1287 station or both, regularly occupied as such and recognized by the governing body of the county, city, or

1288 town in which it is located. Under conditions as specified by Board regulation, such premises may be other
1289 than a volunteer fire or volunteer emergency medical services agency station, provided such other
1290 premises are occupied and under the control of the volunteer fire department or volunteer emergency
1291 medical services agency while the privileges of its license are being exercised.

1292 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
1293 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
1294 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
1295 any permanent retail on-premises licensee that is located within the area designated by the Board for the
1296 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
1297 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
1298 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
1299 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
1300 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events
1301 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may
1302 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such
1303 increase in frequency and duration. Such ordinance shall include the size and scope of the area within
1304 which such events will be held, a public safety plan, and any other considerations deemed necessary by
1305 the Board. Such limitations on the number of events that may be held shall not apply during the effective
1306 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet
1307 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,
1308 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this
1309 title and Board regulations and shall provide notice to the Board regarding the days and times during
1310 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent
1311 retail on-premises licensees located within the designated area may be consumed at the event, and such
1312 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly
1313 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was
1314 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor

1315 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage
1316 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be
1317 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate
1318 security for the event to ensure compliance with the applicable provisions of this title and Board
1319 regulations.

1320 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic,
1321 or charitable membership organizations that are exempt from state and federal taxation and in charge of
1322 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
1323 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the
1324 place designated in the license. Such license shall authorize the licensee to conduct no more than 12
1325 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically
1326 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption;
1327 however, the licensee shall be required to pay the local fee required for such additional license pursuant
1328 to § 4.1-233.1.

1329 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt,
1330 and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
1331 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However,
1332 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this
1333 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,
1334 hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

1335 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the
1336 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine
1337 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic
1338 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the
1339 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any
1340 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue
1341 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

1342 E. The Board may grant a marketplace license to persons operating a business enterprise of which
1343 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
1344 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
1345 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or
1346 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such
1347 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace
1348 license, the applicant's business enterprise must (i) provide a single category of goods or services in a
1349 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in
1350 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic
1351 beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all
1352 employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to
1353 be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the
1354 Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average
1355 amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of
1356 time that the business has been in operation; and (d) any other requirements deemed necessary by the
1357 Board to protect the public health, safety, and welfare.

1358 F. The Board may grant the following shipper, bottler, and related licenses:

1359 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §
1360 4.1-209.1.

1361 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside
1362 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,
1363 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
1364 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale
1365 requirement established by Board regulations.

1366 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and
1367 shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board
1368 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under

1369 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons
1370 outside the Commonwealth for resale outside the Commonwealth.

1371 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with
1372 a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer
1373 owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner;
1374 and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board
1375 regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or
1376 not, or any person under common control of such licensee, shall acquire or hold any financial interest,
1377 direct or indirect, in the business for which any fulfillment warehouse license is issued.

1378 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized
1379 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of
1380 business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders
1381 for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer
1382 may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order
1383 for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment.
1384 Marketing portal licensees may also accept payment on behalf of the shipper.

1385 **§ 4.1-231.1. Fees on state licenses.**

1386 A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1387 1. Manufacturer licenses. For each:

1388 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or
1389 spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000
1390 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000
1391 gallons manufactured during such year, \$4,060;

1392 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
1393 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured
1394 during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured
1395 during such year, \$4,690;

- 1396 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which
1397 the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;
- 1398 d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;
- 1399 e. Wine importer's license, \$460; and
- 1400 f. Beer importer's license, \$460.
- 1401 2. Wholesale licenses. For each:
- 1402 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
1403 less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
1404 year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and
- 1405 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall
1406 be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
1407 license;
- 1408 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less
1409 per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
1410 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
1411 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of
1412 wine per year; and
- 1413 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
1414 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision
1415 b (1), multiplied by the number of separate locations covered by the license.
- 1416 3. Retail licenses — mixed beverage. For each:
- 1417 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
1418 restaurants located on premises of and operated by casinos, hotels or motels, or other persons:
- 1419 (1) With a seating capacity at tables for up to 100 persons, \$1,050;
- 1420 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
- 1421 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
1422 \$1,980;

- 1423 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
1424 \$2,500; and
- 1425 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
- 1426 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
1427 private, nonprofit clubs:
 - 1428 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
 - 1429 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
1430 \$2,440; and
 - 1431 (3) With an average yearly membership of more than 500 resident members, \$3,410;
- 1432 c. Mixed beverage ~~restaurant~~ casino license for ~~restaurants located on the premises of and operated~~
1433 ~~by a casino gaming establishment~~, \$3,100 plus an additional \$5 for each gaming station located on the
1434 premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means
1435 each slot machine and each casino gaming table that is in active use, as determined annually on December
1436 31;
- 1437 d. Mixed beverage caterer's license, \$1,990;
- 1438 e. Mixed beverage limited caterer's license, \$550;
- 1439 f. Mixed beverage carrier license:
 - 1440 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
1441 the Commonwealth by a common carrier of passengers by train;
 - 1442 (2) \$910 for each common carrier of passengers by boat;
 - 1443 (3) \$520 for each common carrier of passengers by bus; and
 - 1444 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;
- 1445 g. Annual mixed beverage motor sports facility license, \$630;
- 1446 h. Limited mixed beverage restaurant license:
 - 1447 (1) With a seating capacity at tables for up to 100 persons, \$945;
 - 1448 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
 - 1449 (3) With a seating capacity at tables for more than 150 persons, \$1,875;

- 1450 i. Annual mixed beverage performing arts facility license, \$630;
- 1451 j. Bed and breakfast license, \$100;
- 1452 k. Museum license, \$260;
- 1453 l. Motor car sporting event facility license, \$300;
- 1454 m. Commercial lifestyle center license, \$300;
- 1455 n. Mixed beverage port restaurant license, \$1,050; and
- 1456 o. Annual mixed beverage special events license, \$630.
- 1457 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and
- 1458 beer license, \$450.
- 1459 5. Retail licenses — off-premises wine and beer. For each:
- 1460 a. Retail off-premises wine and beer license, \$300;
- 1461 b. Gourmet brewing shop license, \$320; and
- 1462 c. Confectionery license, \$170.
- 1463 6. Retail licenses — banquet, special event, and tasting licenses.
- 1464 a. Per-day event licenses. For each:
- 1465 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by
- 1466 the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 1467 (2) Mixed beverage special events license, \$45 for each day of each event;
- 1468 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 1469 (4) Tasting license, \$40.
- 1470 b. Annual licenses. For each:
- 1471 (1) Annual banquet license, \$300;
- 1472 (2) Banquet facility license, \$260;
- 1473 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
- 1474 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1475 (4) Annual mixed beverage banquet license, \$630;
- 1476 (5) Equine sporting event license, \$300; and

- 1477 (6) Annual arts venue event license, \$300.
- 1478 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
- 1479 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1480 a. Wine and beer shipper's license, \$230;
- 1481 b. Internet wine and beer retailer license, \$240;
- 1482 c. Bottler license, \$1,500;
- 1483 d. Fulfillment warehouse license, \$210; and
- 1484 e. Marketing portal license, \$285.
- 1485 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
- 1486 imposed by this section on the license for which the applicant applied.
- 1487 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall
- 1488 be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
- 1489 the number of months in the license period, and then increased by five percent. Such tax shall not be
- 1490 refundable, except as provided in § 4.1-232.
- 1491 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
- 1492 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
- 1493 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
- 1494 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
- 1495 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
- 1496 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the
- 1497 liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale
- 1498 merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be
- 1499 disregarded.
- 1500 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license
- 1501 purchased in person from the Board if such license is available for purchase online.
- 1502 **§ 4.1-233.1. Fees on local licenses.**

1503 A. In addition to the state license taxes, the annual local license taxes that may be collected shall
1504 not exceed the following sums:

1505 1. Manufacturer licenses. For each:

1506 a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than
1507 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during
1508 such year, \$1,000; and no local license shall be required for any person who manufactures not more than
1509 5,000 gallons of alcohol or spirits, or both, during such license year;

1510 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
1511 during the year in which the license is granted, \$250, and if more than 500 barrels manufactured during
1512 such year, \$1,000;

1513 c. Winery license, \$50; and

1514 d. Farm winery license, \$50.

1515 2. Wholesale licenses. For each:

1516 a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and

1517 b. Wholesale wine license, \$50.

1518 3. Retail licenses — mixed beverage. For each:

1519 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
1520 restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

1521 (1) With a seating capacity at tables for up to 100 persons, \$200;

1522 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;

1523 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
1524 \$500;

1525 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
1526 \$650; and

1527 (5) With a seating capacity at tables for more than 1,000 persons, \$800;

1528 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
1529 private, nonprofit clubs, \$350;

1530 c. Mixed beverage ~~restaurant~~ casino license for ~~restaurants located on the premises of and operated~~
 1531 ~~by a casino gaming establishment~~, \$800 plus an additional \$2 for each gaming station located on the
 1532 premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means
 1533 each slot machine and each casino gaming table that is in active use, as determined annually on December
 1534 31;

- 1535 d. Mixed beverage caterer's license, \$500;
- 1536 e. Mixed beverage limited caterer's license, \$100;
- 1537 f. Annual mixed beverage motor sports facility license, \$300;
- 1538 g. Limited mixed beverage restaurant license:
 - 1539 (1) With a seating capacity at tables for up to 100 persons, \$100;
 - 1540 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or
 - 1541 (3) With a seating capacity at tables for more than 150 persons, \$400;
- 1542 h. Annual mixed beverage performing arts facility license, \$300;
- 1543 i. Bed and breakfast license, \$40;
- 1544 j. Museum license, \$10;
- 1545 k. Motor car sporting event facility license, \$10;
- 1546 l. Commercial lifestyle center license, \$60; and
- 1547 m. Annual mixed beverage special events license, \$300.
- 1548 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and
 1549 beer license issued to:
 - 1550 a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;
 - 1551 b. Hospitals, \$10;
 - 1552 c. Rural grocery stores, \$37.50; and
 - 1553 d. Historic cinema houses, \$20.
- 1554 5. Retail licenses — off-premises wine and beer. For each:
 - 1555 a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;
 - 1556 b. Gourmet brewing shop license, \$150; and

- 1557 c. Confectionery license, \$20.
- 1558 6. Retail licenses — banquet, special event, and tasting licenses. For each:
 - 1559 a. Per-day event licenses. For each:
 - 1560 (1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by
 - 1561 the Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
 - 1562 (2) Mixed beverage special events license, \$10 for each day of each event;
 - 1563 (3) Mixed beverage club events license, \$10 for each day of each event; and
 - 1564 (4) Tasting license, \$10.
 - 1565 b. Annual licenses. For each:
 - 1566 (1) Annual banquet license, \$15;
 - 1567 (2) Designated outdoor refreshment area license, \$60. However, for any designated outdoor
 - 1568 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$600;
 - 1569 (3) Annual mixed beverage banquet license, \$75;
 - 1570 (4) Equine sporting event license, \$10; and
 - 1571 (5) Annual arts venue event license, \$10.
- 1572 7. Retail licenses — marketplace. For each marketplace license, \$200.
- 1573 8. Retail licenses — shipper, bottler, and related licenses. For each:
 - 1574 a. Wine and beer shipper's license, \$10; and
 - 1575 b. Bottler license, \$500.
- 1576 B. Common carriers. No local license tax shall be either charged or collected for the privilege of
- 1577 selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by
- 1578 the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises
- 1579 consumption only.
- 1580 C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in
- 1581 the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local
- 1582 retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales,
- 1583 may include alcoholic beverages in the base for measuring such local license taxes the same as if the

1584 alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter
1585 shall exempt any licensee from any local merchants' or local restaurant license tax, but such local
1586 merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license
1587 taxes authorized by this chapter.

1588 The governing body of any county, city, or town, in adopting an ordinance under this section, shall
1589 provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under
1590 the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler,
1591 purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of
1592 beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the
1593 local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local
1594 merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license
1595 tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which
1596 stated amount shall be the amount of wine purchases which would be necessary to produce a local
1597 wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such
1598 wholesale wine licensee.

1599 D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any
1600 wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such
1601 wholesaler maintains no place of business in such county, city, or town.

1602 E. Application of county tax within town. Any county license tax imposed under this section shall
1603 not apply within the limits of any town located in such county, where such town imposes a town license
1604 tax on the same privilege.

1605 **§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**

1606 A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee
1607 shall:

- 1608 1. Sell or serve any alcoholic beverage other than as authorized by law;
- 1609 2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by
1610 law;

- 1611 3. Allow at the place described in his license the consumption of alcoholic beverages in violation
1612 of this title;
- 1613 4. Keep at the place described in his license any alcoholic beverage other than that which he is
1614 licensed to sell;
- 1615 5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;
- 1616 6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by
1617 him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink
1618 dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the
1619 Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board
1620 regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee
1621 from premixing containers of sangria, to which spirits may be added, to be served and sold for
1622 consumption on the licensed premises;
- 1623 7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper
1624 with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation
1625 adopted pursuant to subdivision B 11 of § 4.1-111;
- 1626 8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the
1627 purchaser without first advising such purchaser of the difference;
- 1628 9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages
1629 offered for sale;
- 1630 10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or
1631 obliterated;
- 1632 11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the
1633 licensed premises;
- 1634 12. Allow any striptease act on the licensed premises;
- 1635 13. Allow persons connected with the licensed business to appear nude or partially nude;
- 1636 14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty
1637 and in a position that is involved in the selling or serving of alcoholic beverages to customers.

1638 The provisions of this subdivision shall not prohibit any retail licensee or his designated employee
1639 from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative
1640 of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of
1641 the Board who represents a distiller, if such samples are provided in accordance with Board regulations
1642 and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of §
1643 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality
1644 control purposes;

1645 15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license
1646 whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

1647 The provisions of this subdivision shall not apply to the delivery of:

1648 a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic
1649 beverage distilled from rice, barley or sweet potatoes; or

1650 b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content
1651 is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and
1652 perishable;

1653 16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

1654 17. Conceal any sale or consumption of any alcoholic beverages;

1655 18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request
1656 or obstruct special agents of the Board in the discharge of their duties;

1657 19. Store alcoholic beverages purchased under the license in any unauthorized place or remove
1658 any such alcoholic beverages from the premises;

1659 20. Knowingly employ in the licensed business any person who has the general reputation as a
1660 prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who
1661 drinks to excess or engages in illegal gambling;

1662 21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a
1663 slot machine or any prohibited gambling or gaming device, machine, or apparatus;

1664 22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a
1665 matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction
1666 set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any
1667 conference, convention, trade show or event held or to be held on the premises of the licensee, when such
1668 gift is made in the course of usual and customary business entertainment and is in no way a shift or device
1669 to evade the restriction set forth in this subdivision; (iii) pursuant to subsection B of § 4.1-209; (iv)
1670 pursuant to subdivision A 10 of § 4.1-201; ~~or~~ (v) by a mixed beverage casino licensee to a patron of such
1671 licensee in accordance with the provisions of subdivision A 15 of § 4.1-206.3; or (vi) pursuant to any
1672 Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title
1673 on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in
1674 accordance with this subdivision; or

1675 23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift
1676 or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase
1677 the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal
1678 or customary price charged for the same alcoholic beverage.

1679 B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

1680 C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters,
1681 concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or
1682 theatrical performances, when the performances that are presented are expressing matters of serious
1683 literary, artistic, scientific, or political value.

1684 **§ 58.1-4100. Definitions.**

1685 As used in this chapter, unless the context requires a different meaning:

1686 "Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to
1687 winners.

1688 "Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000
1689 et seq.).

1690 "Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot
1691 machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games,
1692 punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the
1693 aforementioned games, and any other activity that is authorized by the Board as a wagering game or device
1694 under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

1695 "Casino gaming establishment" means the premises, including the entire property located at the
1696 address of the licensed casino, upon which lawful casino gaming is authorized and licensed as provided
1697 in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

1698 "Casino gaming operator" means any person issued a license by the Board to operate a casino
1699 gaming establishment.

1700 "Cheat" means to alter the selection criteria that determine the result of a game or the amount or
1701 frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in
1702 a game over other participants in a game.

1703 "Counter check" means an interest-free negotiable instrument for a specified amount executed by
1704 a player and held by the casino that serves as evidence of the casino gaming patron's obligation to pay the
1705 casino and that can be exchanged by the casino gaming patron for the specified amount in chips, tokens,
1706 credits, electronic credits, electronic cash, or electronic cards.

1707 "Department" means the independent agency responsible for the administration of the Virginia
1708 Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

1709 "Director" means the Director of the Virginia Lottery.

1710 "Eligible host city" means any city described in § 58.1-4107 in which a casino gaming
1711 establishment is authorized to be located.

1712 "Entity" means a person that is not a natural person.

1713 "Gaming operation" means the conduct of authorized casino gaming within a casino gaming
1714 establishment.

1715 "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens,
1716 electronic credits, electronic cash, or electronic cards by casino gaming patrons. "Gross receipts" shall not

1717 include the cash value of promotions or credits provided to and exchanged by casino gaming patrons for
1718 chips, tokens, electronic credits, electronic cash, or electronic cards. "Gross receipts" shall also not include
1719 uncollectable counter checks.

1720 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household
1721 as an officer or employee and who is a dependent of the officer or employee or of whom the officer or
1722 employee is a dependent.

1723 "Individual" means a natural person.

1724 "Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

1725 "On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator
1726 at a casino gaming establishment using a computer network of both federal and nonfederal interoperable
1727 packet-switched data networks through which the casino gaming operator may offer casino gaming to
1728 individuals who have established an on-premises mobile casino gaming account with the casino gaming
1729 operator and who are physically present on the premises of the casino gaming establishment, as authorized
1730 by regulations promulgated by the Board.

1731 "Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

1732 "Person" means an individual, partnership, joint venture, association, limited liability company,
1733 stock corporation, or nonstock corporation and includes any person that directly or indirectly controls or
1734 is under common control with another person.

1735 "Preferred casino gaming operator" means the proposed casino gaming establishment and operator
1736 thereof submitted by an eligible host city to the Board as an applicant for licensure.

1737 "Prepaid access instrument" means a system device that allows a casino gaming patron access to
1738 funds that have been paid in advance and can be retrieved or transferred at some point in the future through
1739 such a device. In order to transfer funds for gaming purposes, a prepaid access instrument shall be
1740 redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in
1741 conjunction with an approved cashless wagering system or interactive gaming account.

1742 "Principal" means any individual who solely or together with his immediate family members (i)
1743 owns or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is

1744 a licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities or
1745 other ownership interests of such entity, and any person who manages a gaming operation on behalf of a
1746 licensee.

1747 "Professional sports" means the same as such term is defined in § 58.1-4030.

1748 "Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation,
1749 stock, or other equity interest creates control of or voice in the management operations of an entity in the
1750 manner of a security, then such interest shall be considered a security.

1751 "Sports betting" means the same as such term is defined in § 58.1-4030.

1752 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming
1753 establishment licensed pursuant to this chapter that is designated for sports betting.

1754 "Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming
1755 equipment, devices, or supplies, or provides any management services, to a licensee.

1756 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103
1757 that allows individuals to voluntarily exclude themselves from engaging in the activities described in
1758 subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the
1759 procedures set forth by the Board.

1760 "Youth sports" means the same as such term is defined in § 58.1-4030.

1761 **§ 58.1-4120. Consideration of service permit application.**

1762 A. The Department shall promptly consider any application for a service permit and issue or deny
1763 such service permit on the basis of the information in the application and all other information provided,
1764 including any investigation it considers appropriate. If an application for a service permit is approved, the
1765 Department shall issue a service permit containing such information as the Department considers
1766 appropriate.

1767 B. The Department shall deny the application and refuse to issue the service permit, which denial
1768 shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service
1769 permit to such applicant would not be in the best interests of the Commonwealth or would reflect
1770 negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1771 1. Has knowingly made a false statement of a material fact in the application or has deliberately
1772 failed to disclose any information requested by the Department;

1773 2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming
1774 operations in the Commonwealth or any other state;

1775 3. Has knowingly failed to comply with the provisions of this chapter or the regulations
1776 promulgated hereunder;

1777 4. Has had a service permit to engage in activity related to casino gaming denied for cause,
1778 suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation
1779 is still in effect;

1780 5. Is unqualified to perform the duties required for the service permit sought; or

1781 6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering,
1782 fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery,
1783 embezzlement, distribution or possession of drugs, excluding misdemeanor possession of marijuana, or
1784 any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming
1785 in the Commonwealth.

1786 C. The Department may refuse to issue a service permit if for any reason it determines the granting
1787 of such service permit is not consistent with the provisions of this chapter or its responsibilities or any
1788 regulations promulgated by any other agency of the Commonwealth.

1789 **§ 58.1-4122. Conduct of casino gaming.**

1790 A. Casino gaming may be conducted by licensed operators, subject to the following:

1791 1. Minimum and maximum wagers on games shall be set by Department regulations.

1792 2. Agents of the Department, the Department of State Police, and the local law-enforcement and
1793 fire departments may enter any casino gaming establishment and inspect such facility at any time for the
1794 purpose of determining compliance with this chapter and other applicable fire prevention and safety laws.

1795 3. Employees of the Department shall have the right to be present in any facilities under the control
1796 of the licensee.

1797 4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall
1798 be purchased or leased only from suppliers holding permits for such purpose under this chapter.

1799 5. Persons licensed under this chapter shall permit no form of wagering on games except as
1800 permitted by this chapter.

1801 6. Wagers may be received only from a person present at the licensed casino gaming establishment.
1802 No person present at such facility shall place or attempt to place a wager on behalf of another person who
1803 is not present at the facility.

1804 7. No person under age 21 shall be permitted to make a wager under this chapter or be present
1805 where casino gaming is being conducted. A licensee or permit holder may employ persons between the
1806 ages of 18 and 21 for positions in nongaming areas and such employees may traverse the gaming floor,
1807 while on duty.

1808 8. No person shall place or accept a wager on youth sports.

1809 9. No licensee or permit holder shall accept postdated checks in payment for participation in any
1810 gaming operation. No licensee or permit holder, or any person on the premises of a casino gaming
1811 establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in
1812 payment for participation in any gaming operation. A licensee or permit holder may accept prepaid access
1813 instruments. In order to transfer funds for gaming purposes, a prepaid access instrument must be redeemed
1814 for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in conjunction with
1815 an approved cashless wagering system or interactive gaming account. A licensee or permit holder may
1816 issue interest-free counter checks to a player provided (i) the player submits an application and (ii) the
1817 licensee or permit holder verifies funds sufficient to cover the face value of the counter check. Such
1818 counter checks shall be subject to the tax reporting requirements under state and federal law. Nothing shall
1819 preclude a player from making a wire transfer to licensees or permit holders.

1820 B. Casino gaming wagers shall be conducted only with tokens, chips, electronic credits, electronic
1821 cash, or electronic cards purchased from a licensed casino gaming operator. The conversion of cash to
1822 tokens, chips, credits, electronic credits, electronic cash, or electronic cards at a slot machine or any other
1823 casino game is permissible and does not constitute conducting a wager. Such tokens, chips, credits,

1824 electronic credits, electronic cash, or electronic cards may be used only for the purpose of (i) making
1825 wagers on games ~~or~~, (ii) redeeming for cash or check, or (iii) making a donation to a charitable entity
1826 granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the donated
1827 tokens, chips, credits, electronic credits, electronic cash, or electronic cards are redeemed by the same
1828 charitable entity accepting the donation. The provisions of this subsection shall not apply to sports betting
1829 in a sports betting facility, which may be conducted using cash.

1830 **2. That any mixed beverage restaurant licensee that is located on the premises of and operated by a**
1831 **casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of**
1832 **Chapter 41 of Title 58.1 of the Code of Virginia and holds a valid mixed beverage restaurant license**
1833 **granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority prior to**
1834 **July 1, 2022, shall be allowed to operate with the privileges of a mixed beverage casino license as set**
1835 **forth in § 4.1-206.3 of the Code of Virginia, as amended by this act, and any regulations promulgated**
1836 **pursuant thereto until July 1, 2023, or until the casino gaming establishment at which the restaurant**
1837 **is located is issued a mixed beverage casino license, whichever comes first.**

1838 **3. That the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board)**
1839 **may promulgate regulations to implement the provisions of this act. The Board's initial adoption of**
1840 **regulations to implement the provisions of this act shall be completed by October 1, 2022, and shall**
1841 **be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except**
1842 **that the Board shall provide an opportunity for public comment on the regulations prior to**
1843 **adoption. Prior to promulgating such regulations, the Board shall consult with operators licensed**
1844 **under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia.**

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