

HOUSE BILL NO. 300

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Freitas)

A BILL to amend and reenact §§ 4.1-119 and 4.1-206.3, as they are currently effective and as they shall become effective, 4.1-209, 4.1-231.1, 4.1-310, and 4.1-311 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 4.1-209.2, relating to alcoholic beverage control; distiller licenses; Internet spirits retailer license; orders and shipments.

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-119 and 4.1-206.3, as they are currently effective and as they shall become effective, 4.1-209, 4.1-231.1, 4.1-310, and 4.1-311 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 4.1-209.2 as follows:

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

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of spirits, wine produced by farm wineries, low alcohol beverage coolers produced by licensed distillers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

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

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the

27 sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to
28 federal instrumentalities (i) authorized and operating under the laws of the United States and regulations
29 of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or
30 reservations over which the United States has acquired jurisdiction, at prices which may be greater or less
31 than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed
32 to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores,
33 which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

34 D. 1. Alcoholic beverages at government stores shall be sold by employees of the Authority who
35 shall carry out the provisions of this title and Board regulations governing the operation of government
36 stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's
37 license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage
38 coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government
39 stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed
40 by the Board and conducted for the purpose of featuring and educating the consuming public about spirits
41 products.

42 2. Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the
43 provisions of this title, Board regulations, and the terms of the agency agreement between the Authority
44 and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an
45 agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the
46 goods sold. If the licensed distiller makes application and meets certain requirements established by the
47 Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be
48 submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to
49 the amount due to the Board in applicable taxes and markups.

50 3. The Authority may include in its agency agreement with a licensed distiller provisions that allow
51 the distiller, subject to any conditions imposed by the Board, to sell spirits and low alcohol beverage
52 coolers through Internet orders and ship such orders through the Authority to consumers and licensees
53 within the Commonwealth; however, no such distiller shall be permitted to sell more than six bottles of

54 spirits or two cases of low alcohol beverage coolers to any one consumer or licensee per month. For the
55 purposes of this subdivision, bottles of spirits shall have a maximum capacity of not more than 1.75 liters.
56 The shipment of spirits or low alcohol beverage coolers pursuant to this subdivision shall be by approved
57 common carriers only and in accordance with Board regulations. Such regulations shall (i) include a
58 process through which common carriers may apply for approval to provide common carriage of spirits or
59 low alcohol beverage coolers shipped by distillers pursuant to this subdivision; (ii) require the recipient to
60 demonstrate, upon delivery, that he is at least 21 years of age; (iii) require the recipient to sign an electronic
61 or paper form or other acknowledgement of receipt as approved by the Board; and (iv) require the common
62 carrier to submit to the Board such information as the Board may prescribe. Such common carriers shall
63 refuse delivery when the proposed recipient appears to be under 21 years of age and fails to present valid
64 identification. All distillers shipping spirits or low alcohol beverage coolers pursuant to this subdivision
65 shall affix a conspicuous notice in 16-point type or larger to the outside of each package stating,
66 "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGE 21 YEARS OR OLDER
67 REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier
68 shall constitute a violation by the common carrier. The common carrier and the distiller licensee shall be
69 liable only for their independent acts.

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

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

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

81 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
82 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
83 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
84 permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic
85 beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A
86 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not
87 lawfully be sold pursuant to § 4.1-304.

88 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
89 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
90 beverages may be lawfully sold for on-premises or off-premises consumption, provided that (i) the spirits,
91 beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous
92 premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four
93 ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed
94 beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits;
95 (iii) no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold
96 to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption
97 of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as
98 part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured
99 on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75
100 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous
101 premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep
102 on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed
103 premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples
104 that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery
105 shall be purchased from the Board.

106 The Board shall establish guidelines governing tasting events conducted pursuant to this
107 subsection.

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

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

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

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

129 **§ 4.1-119. (Effective July 1, 2022) Operation of government stores.**

130 A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and
131 operate government stores for the sale of spirits, wine produced by farm wineries, low alcohol beverage
132 coolers produced by licensed distillers, vermouth, mixers, products used in connection with distilled
133 spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be
134 approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as

135 specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board
136 may discontinue any such store.

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

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

149 D. 1. Alcoholic beverages at government stores shall be sold by employees of the Authority who
150 shall carry out the provisions of this title and Board regulations governing the operation of government
151 stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's
152 license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage
153 coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government
154 stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed
155 by the Board and conducted for the purpose of featuring and educating the consuming public about spirits
156 products.

157 2. Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the
158 provisions of this title, Board regulations, and the terms of the agency agreement between the Authority
159 and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an
160 agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the
161 goods sold. If the licensed distiller makes application and meets certain requirements established by the

162 Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be
163 submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to
164 the amount due to the Board in applicable taxes and markups.

165 3. The Authority may include in its agency agreement with a licensed distiller provisions that allow
166 the distiller, subject to any conditions imposed by the Board, to sell spirits and low alcohol beverage
167 coolers through Internet orders and ship such orders through the Authority to consumers and licensees
168 within the Commonwealth; however, no such distiller shall be permitted to sell more than six bottles of
169 spirits or two cases of low alcohol beverage coolers to any one consumer or licensee per month. For the
170 purposes of this subdivision, bottles of spirits shall have a maximum capacity of not more than 1.75 liters.
171 The shipment of spirits or low alcohol beverage coolers pursuant to this subdivision shall be by approved
172 common carriers only and in accordance with Board regulations. Such regulations shall (i) include a
173 process through which common carriers may apply for approval to provide common carriage of spirits or
174 low alcohol beverage coolers shipped by distillers pursuant to this subdivision; (ii) require the recipient to
175 demonstrate, upon delivery, that he is at least 21 years of age; (iii) require the recipient to sign an electronic
176 or paper form or other acknowledgement of receipt as approved by the Board; and (iv) require the common
177 carrier to submit to the Board such information as the Board may prescribe. Such common carriers shall
178 refuse delivery when the proposed recipient appears to be under 21 years of age and fails to present valid
179 identification. All distillers shipping spirits or low alcohol beverage coolers pursuant to this subdivision
180 shall affix a conspicuous notice in 16-point type or larger to the outside of each package stating,
181 "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGE 21 YEARS OR OLDER
182 REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier
183 shall constitute a violation by the common carrier. The common carrier and the distiller licensee shall be
184 liable only for their independent acts.

185 4. For the purposes of this subsection, "blended" means the receipt by a licensed distiller of
186 deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision
187 A 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality

188 and flavor of such alcoholic beverages or ~~(2)~~ (b) used in a low alcohol beverage cooler and ~~(b)~~ (ii) bottled
189 by the receiving distillery.

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

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

196 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
197 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
198 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
199 permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic
200 beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A
201 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not
202 lawfully be sold pursuant to § 4.1-304.

203 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
204 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
205 beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits, beer, wine, or
206 cider samples are manufactured within the same licensed premises or on contiguous premises of such
207 agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer,
208 two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case
209 a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than 12 ounces
210 of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and
211 (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing
212 in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage.
213 Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises
214 or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used

215 in such samples is manufactured on the licensed premises or on contiguous premises of the licensed
216 distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises
217 no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on
218 contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not
219 manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be
220 purchased from the Board.

221 The Board shall establish guidelines governing tasting events conducted pursuant to this
222 subsection.

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

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

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

237 J. Before the Authority implements any increase in the markup on distilled spirits or any change
238 to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the
239 retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public
240 notice before such a price increase takes effect; (ii) provide the opportunity for submission of written
241 comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of

242 receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal
243 comments before implementing such a price increase.

244 **§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.**

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

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

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

267 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
268 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in

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

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

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

294 The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
295 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for

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

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

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

311 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
312 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
313 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
314 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
315 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier
316 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and
317 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic
318 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air
319 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic
320 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the
321 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be
322 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to

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

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

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

348 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee
349 to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable

350 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
351 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the
352 Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for
353 on-premises consumption or in closed containers for off-premises consumption; however, the licensee
354 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such
355 licenses may be granted to the following:

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

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

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

371 d. Persons operating food concessions at any performing arts facility located in the arts and cultural
372 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona
373 fide long-term lease or concession agreement, the original term of which was more than five years; (ii)
374 has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts
375 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages

376 served on the premises that meet or exceed the monthly minimum established by Board regulations for
377 mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

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

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

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

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

393 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
394 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
395 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
396 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
397 beverage caterer at the same business premises designated in the license, with a common alcoholic
398 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
399 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
400 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this
401 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer

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

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

415 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
416 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
417 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
418 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member
419 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the
420 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied
421 and utilized as such.

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

427 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
428 association governing a commercial lifestyle center, which shall authorize any retail on-premises

429 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
430 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of
431 the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
432 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
433 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such
434 tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises
435 restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and
436 such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the
437 name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic
438 beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The
439 licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed
440 premises; however, no physical barriers shall be required for this purpose. The licensee shall provide
441 adequate security for the licensed premises to ensure compliance with the applicable provisions of this
442 title and Board regulations.

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

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

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

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

472 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in
473 closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without
474 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest
475 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.
476 However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize
477 the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate
478 by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic
479 beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight
480 lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the
481 amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at
482 least one meal is provided each day by the hotel to such guests. With regard to facilities registered in

483 accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are
484 also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee,
485 keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by
486 the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,
487 whether or not contiguous to the licensed premises, which may have more than one means of ingress and
488 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control
489 of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved
490 for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

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

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

507 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
508 during the performance of any event to patrons within all seating areas, concourses, walkways, or
509 concession areas, or other areas approved by the Board (i) in closed containers for off-premises

510 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
511 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own
512 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.
513 Such licenses may be granted to persons operating food concessions at any outdoor performing arts
514 amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in
515 Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500
516 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or
517 Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500
518 persons and is located in Henrico County.

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

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

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

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

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

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

550 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery
551 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina
552 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine
553 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-
554 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-
555 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine
556 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The
557 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the
558 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With
559 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or
560 authorized representatives of such licensees may participate in such tastings, including the pouring of
561 samples. The licensee shall comply with any food inventory and sales volume requirements established
562 by Board regulation.

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

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

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

572 1. Per-day event licenses.

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

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

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

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

602 2. Annual licenses.

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

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

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

623 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
624 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
625 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
626 any permanent retail on-premises licensee that is located within the area designated by the Board for the
627 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
628 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
629 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
630 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
631 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events
632 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may
633 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such
634 increase in frequency and duration. Such ordinance shall include the size and scope of the area within
635 which such events will be held, a public safety plan, and any other considerations deemed necessary by
636 the Board. Such limitations on the number of events that may be held shall not apply during the effective
637 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet
638 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,
639 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this
640 title and Board regulations and shall provide notice to the Board regarding the days and times during
641 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent
642 retail on-premises licensees located within the designated area may be consumed at the event, and such
643 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly

644 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was
645 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor
646 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage
647 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be
648 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate
649 security for the event to ensure compliance with the applicable provisions of this title and Board
650 regulations.

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

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

666 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the
667 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine
668 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic
669 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the
670 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any

671 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue
672 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

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

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

690 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §
691 4.1-209.1.

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

697 3. Internet spirits retailer licenses, which shall authorize persons located outside the
698 Commonwealth to sell and ship spirits, in accordance with § 4.1-209.2 and Board regulations, in closed
699 containers to persons in the Commonwealth to whom spirits may be lawfully sold for off-premises
700 consumption. Such licensee shall not be required to comply with the monthly food sale requirement
701 established by Board regulations.

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

707 ~~4.~~5. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313
708 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or
709 beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the
710 owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with
711 Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth
712 or not, or any person under common control of such licensee, shall acquire or hold any financial interest,
713 direct or indirect, in the business for which any fulfillment warehouse license is issued.

714 ~~5.~~6. Marketing portal licenses, which shall authorize agricultural cooperative associations
715 organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with
716 a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and
717 receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to
718 whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon
719 receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's
720 license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

721 **§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.**

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

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

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

743 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
744 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
745 another city with which it has an agreement for reciprocal dining privileges, such license shall also
746 authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell
747 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50
748 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food
749 in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located

750 on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the
751 granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts
752 from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and
753 guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale
754 of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any
755 consideration of the qualifications of such restaurant for a license from the Board.

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

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

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

774 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in
775 the business of providing food and beverages to others for service at private gatherings or at special events,
776 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The

777 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages
778 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the
779 gross receipts from the sale of mixed beverages and food.

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

787 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
788 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
789 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
790 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
791 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier
792 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and
793 to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic
794 beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air
795 carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic
796 beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the
797 air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be
798 transported, stored, and delivered by its authorized representative. The granting of a license pursuant to
799 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
800 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
801 licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

802 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell
803 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during

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

814 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
815 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
816 shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the
817 restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the
818 sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed
819 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license
820 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve
821 wine and beer for on-premises consumption or in closed containers for off-premises consumption;
822 however, the licensee shall be required to pay the local fee required for such additional license pursuant
823 to § 4.1-233.1.

824 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee
825 to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable
826 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
827 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the
828 Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for
829 on-premises consumption or in closed containers for off-premises consumption; however, the licensee

830 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such
831 licenses may be granted to the following:

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

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

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

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

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

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

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

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

869 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
870 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
871 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
872 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
873 beverage caterer at the same business premises designated in the license, with a common alcoholic
874 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
875 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
876 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this
877 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer
878 for on-premises consumption or in closed containers for off-premises consumption; however, the licensee
879 shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

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

891 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under §
892 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption
893 of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and
894 guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member
895 and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the
896 licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied
897 and utilized as such.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

995 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to
996 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
997 and such additional locations designated by the Board in such facilities (i) in closed containers for off-
998 premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal
999 cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume
1000 his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
1001 license. Such licenses may be granted to persons operating food concessions at exhibition or exposition
1002 halls, convention centers, or similar facilities located in any county operating under the urban county
1003 executive form of government or any city that is completely surrounded by such county. For purposes of
1004 this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting
1005 private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet
1006 of floor space.

1007 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during
1008 events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession
1009 areas, dining areas, and such additional locations designated by the Board in such facilities, for on-
1010 premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to
1011 this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such
1012 licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural
1013 Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

1014 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or
1015 without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be
1016 lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The
1017 privileges of this license shall be limited to the premises of the historic cinema house regularly occupied
1018 and utilized as such.

1019 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
1020 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
1021 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3)
1022 of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the
1023 consuming public about historic beer products. The privileges of this license shall be limited to the
1024 premises of the museum, regularly occupied and utilized as such.

1025 C. The Board may grant the following off-premises wine and beer licenses:

1026 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery
1027 store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina
1028 store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine
1029 and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-
1030 308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-
1031 premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine
1032 and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The
1033 licensee may also give samples of wine and beer in designated areas at events held by the licensee for the
1034 purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With
1035 the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or
1036 authorized representatives of such licensees may participate in such tastings, including the pouring of
1037 samples. The licensee shall comply with any food inventory and sales volume requirements established
1038 by Board regulation.

1039 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
1040 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
1041 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
1042 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

1043 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed
1044 premises for off-premises consumption confectionery that contains five percent or less alcohol by volume.

1045 Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is
1046 sold.

1047 D. The Board may grant the following banquet, special event, and tasting licenses:

1048 1. Per-day event licenses.

1049 a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations
1050 or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer
1051 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or
1052 areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be
1053 authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises
1054 consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such
1055 fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship
1056 such wine, in accordance with Board regulations, in closed containers to persons located within the
1057 Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each
1058 banquet or special event. For the purposes of this subdivision, when the location named in the original
1059 application for a license is outdoors, the application may also name an alternative location in the event of
1060 inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a
1061 retail wine and beer license.

1062 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association
1063 in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-
1064 premises consumption in areas approved by the Board on the premises of the place designated in the
1065 license. A separate license shall be required for each day of each special event.

1066 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
1067 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members
1068 and their guests in areas approved by the Board on the club premises. A separate license shall be required
1069 for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar
1070 year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to

1071 obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall
1072 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

1073 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
1074 of the type specified in the license in designated areas at events held by the licensee. A tasting license
1075 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
1076 beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting
1077 license shall be required for conduct authorized by § 4.1-201.1.

1078 2. Annual licenses.

1079 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
1080 membership organizations that are exempt from state and federal taxation and in charge of banquets
1081 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and
1082 beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
1083 or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.
1084 For the purposes of this subdivision, when the location named in the original application for a license is
1085 outdoors, the application may also name an alternative location in the event of inclement weather.
1086 However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer
1087 license.

1088 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical
1089 services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired
1090 alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests
1091 thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall
1092 not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use
1093 the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency
1094 station or both, regularly occupied as such and recognized by the governing body of the county, city, or
1095 town in which it is located. Under conditions as specified by Board regulation, such premises may be other
1096 than a volunteer fire or volunteer emergency medical services agency station, provided such other

1097 premises are occupied and under the control of the volunteer fire department or volunteer emergency
1098 medical services agency while the privileges of its license are being exercised.

1099 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
1100 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
1101 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
1102 any permanent retail on-premises licensee that is located within the area designated by the Board for the
1103 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
1104 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
1105 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
1106 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
1107 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events
1108 per year, and the duration of any event shall not exceed three consecutive days. However, the Board may
1109 increase the frequency and duration of events after adoption of an ordinance by a locality requesting such
1110 increase in frequency and duration. Such ordinance shall include the size and scope of the area within
1111 which such events will be held, a public safety plan, and any other considerations deemed necessary by
1112 the Board. Such limitations on the number of events that may be held shall not apply during the effective
1113 dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet
1114 a public health emergency and that effectively reduces allowable restaurant seating capacity; however,
1115 designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this
1116 title and Board regulations and shall provide notice to the Board regarding the days and times during
1117 which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent
1118 retail on-premises licensees located within the designated area may be consumed at the event, and such
1119 alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly
1120 display the name or logo of the retail on-premises licensee from which the alcoholic beverage was
1121 purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor
1122 refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage
1123 clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be

1124 required for this purpose. The designated outdoor refreshment area licensee shall provide adequate
1125 security for the event to ensure compliance with the applicable provisions of this title and Board
1126 regulations.

1127 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic,
1128 or charitable membership organizations that are exempt from state and federal taxation and in charge of
1129 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
1130 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the
1131 place designated in the license. Such license shall authorize the licensee to conduct no more than 12
1132 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically
1133 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption;
1134 however, the licensee shall be required to pay the local fee required for such additional license pursuant
1135 to § 4.1-233.1.

1136 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt,
1137 and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
1138 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However,
1139 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this
1140 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,
1141 hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

1142 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the
1143 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine
1144 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic
1145 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the
1146 licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any
1147 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue
1148 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

1149 E. The Board may grant a marketplace license to persons operating a business enterprise of which
1150 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve

1151 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
1152 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or
1153 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such
1154 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace
1155 license, the applicant's business enterprise must (i) provide a single category of goods or services in a
1156 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in
1157 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic
1158 beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all
1159 employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to
1160 be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the
1161 Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average
1162 amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of
1163 time that the business has been in operation; and (d) any other requirements deemed necessary by the
1164 Board to protect the public health, safety, and welfare.

1165 F. The Board may grant the following shipper, bottler, and related licenses:

1166 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in §
1167 4.1-209.1.

1168 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside
1169 the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations,
1170 in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
1171 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale
1172 requirement established by Board regulations.

1173 3. Internet spirits retailer licenses, which shall authorize persons located outside the
1174 Commonwealth to sell and ship spirits, in accordance with § 4.1-209.2 and Board regulations, in closed
1175 containers to persons in the Commonwealth to whom spirits may be lawfully sold for off-premises
1176 consumption. Such licensee shall not be required to comply with the monthly food sale requirement
1177 established by Board regulations.

1178 4. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and
1179 shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board
1180 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under
1181 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons
1182 outside the Commonwealth for resale outside the Commonwealth.

1183 ~~4.~~5. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313
1184 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or
1185 beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the
1186 owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with
1187 Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth
1188 or not, or any person under common control of such licensee, shall acquire or hold any financial interest,
1189 direct or indirect, in the business for which any fulfillment warehouse license is issued.

1190 ~~5.~~6. Marketing portal licenses, which shall authorize agricultural cooperative associations
1191 organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with
1192 a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and
1193 receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to
1194 whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon
1195 receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's
1196 license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

1197 **§ 4.1-209. Wine and beer license privileges; advertising; tastings.**

1198 A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license
1199 pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that
1200 incorporate the use of any professional athlete or athletic team, provided that such advertising materials
1201 (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and
1202 Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while
1203 engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating

1204 or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so
1205 advertised enhances athletic prowess.

1206 B. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following
1207 provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises
1208 consumption:

- 1209 1. Subdivision A 1, 4, 5, 6, 7, 8, or 14 of § 4.1-206.3;
- 1210 2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;
- 1211 3. Subdivision C 1 or 2 of § 4.1-206.3;
- 1212 4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or
- 1213 5. Subdivision F ~~4~~5 or ~~5~~6 of § 4.1-206.3.

1214 Such licensees may sell or give samples of wine and beer in designated areas at events held by the
1215 licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages
1216 being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may
1217 participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples
1218 to any person to whom alcoholic beverages may be lawfully sold. No single sample shall exceed four
1219 ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be
1220 given or sold to any person per day.

1221 **§ 4.1-209.2. Direct shipment of spirits; Internet spirits retailer license.**

1222 A. Internet spirits retailer licenses may be issued to any person, other than a distiller licensee, that
1223 is authorized to manufacture and sell spirits in its state of domicile. Holders of Internet spirits retailer
1224 licenses may, subject to any conditions imposed by the Board, sell spirits and low alcohol beverage coolers
1225 through Internet orders and ship such orders through the Authority to consumers within the
1226 Commonwealth for personal use and not for resale; however, no such licensee shall be permitted to sell
1227 more than six bottles of spirits or two cases of low alcohol beverage coolers to any one consumer per
1228 month. For the purposes of this section, bottles of spirits shall have a maximum capacity of not more than
1229 1.75 liters.

1230 B. The shipment of spirits or low alcohol beverage coolers pursuant to this section shall be by
1231 approved common carriers only and in accordance with Board regulations. Such regulations shall (i)
1232 include a process through which common carriers may apply for approval to provide common carriage of
1233 spirits or low alcohol beverage coolers shipped by Internet spirits retailer licensees pursuant to this section;
1234 (ii) require the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (iii) require the
1235 recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the
1236 Board; and (iv) require the common carrier to submit to the Board such information as the Board may
1237 prescribe. Such common carriers shall refuse delivery when the proposed recipient appears to be under 21
1238 years of age and fails to present valid identification. All distillers shipping spirits or low alcohol beverage
1239 coolers pursuant to this subdivision shall affix a conspicuous notice in 16-point type or larger to the outside
1240 of each package stating, "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGE
1241 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor
1242 by a common carrier shall constitute a violation by the common carrier. The common carrier and the
1243 Internet spirits retailer licensee shall be liable only for their independent acts.

1244 C. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each
1245 shipment of spirits by an Internet spirits retailer licensee shall constitute a sale in Virginia. The licensee
1246 shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and
1247 any sales taxes to the Department of Taxation.

1248 **§ 4.1-231.1. Fees on state licenses.**

1249 A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1250 1. Manufacturer licenses. For each:

1251 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or
1252 spirits, or both, manufactured during the year in which the license is granted, \$490; if more than 5,000
1253 gallons but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000
1254 gallons manufactured during such year, \$4,060;

1255 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
1256 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured

1257 during the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured
1258 during such year, \$4,690;

1259 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which
1260 the license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

1261 d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

1262 e. Wine importer's license, \$460; and

1263 f. Beer importer's license, \$460.

1264 2. Wholesale licenses. For each:

1265 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
1266 less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
1267 year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

1268 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall
1269 be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
1270 license;

1271 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less
1272 per year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
1273 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
1274 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of
1275 wine per year; and

1276 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
1277 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision
1278 b (1), multiplied by the number of separate locations covered by the license.

1279 3. Retail licenses — mixed beverage. For each:

1280 a. Mixed beverage restaurant license, granted to persons operating restaurants, including
1281 restaurants located on premises of and operated by hotels or motels, or other persons:

1282 (1) With a seating capacity at tables for up to 100 persons, \$1,050;

1283 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

- 1284 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
1285 \$1,980;
- 1286 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
1287 \$2,500; and
- 1288 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
- 1289 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
1290 private, nonprofit clubs:
 - 1291 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
 - 1292 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
1293 \$2,440; and
 - 1294 (3) With an average yearly membership of more than 500 resident members, \$3,410;
- 1295 c. Mixed beverage restaurant license for restaurants located on the premises of and operated by a
1296 casino gaming establishment, \$3,100 plus an additional \$5 for each gaming station located on the premises
1297 of the casino gaming establishment;
- 1298 d. Mixed beverage caterer's license, \$1,990;
- 1299 e. Mixed beverage limited caterer's license, \$550;
- 1300 f. Mixed beverage carrier license:
 - 1301 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
1302 the Commonwealth by a common carrier of passengers by train;
 - 1303 (2) \$910 for each common carrier of passengers by boat;
 - 1304 (3) \$520 for each common carrier of passengers by bus; and
 - 1305 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;
- 1306 g. Annual mixed beverage motor sports facility license, \$630;
- 1307 h. Limited mixed beverage restaurant license:
 - 1308 (1) With a seating capacity at tables for up to 100 persons, \$945;
 - 1309 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
 - 1310 (3) With a seating capacity at tables for more than 150 persons, \$1,875;

- 1311 i. Annual mixed beverage performing arts facility license, \$630;
- 1312 j. Bed and breakfast license, \$100;
- 1313 k. Museum license, \$260;
- 1314 l. Motor car sporting event facility license, \$300;
- 1315 m. Commercial lifestyle center license, \$300;
- 1316 n. Mixed beverage port restaurant license, \$1,050; and
- 1317 o. Annual mixed beverage special events license, \$630.
- 1318 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and
- 1319 beer license, \$450.
- 1320 5. Retail licenses — off-premises wine and beer. For each:
- 1321 a. Retail off-premises wine and beer license, \$300;
- 1322 b. Gourmet brewing shop license, \$320; and
- 1323 c. Confectionery license, \$170.
- 1324 6. Retail licenses — banquet, special event, and tasting licenses.
- 1325 a. Per-day event licenses. For each:
- 1326 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by
- 1327 the Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 1328 (2) Mixed beverage special events license, \$45 for each day of each event;
- 1329 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 1330 (4) Tasting license, \$40.
- 1331 b. Annual licenses. For each:
- 1332 (1) Annual banquet license, \$300;
- 1333 (2) Banquet facility license, \$260;
- 1334 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
- 1335 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1336 (4) Annual mixed beverage banquet license, \$630;
- 1337 (5) Equine sporting event license, \$300; and

- 1338 (6) Annual arts venue event license, \$300.
- 1339 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
- 1340 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1341 a. Wine and beer shipper's license, \$230;
- 1342 b. Internet wine and beer retailer license, \$240;
- 1343 c. Internet spirits retailer license, \$240;
- 1344 d. Bottler license, \$1,500;
- 1345 ~~e.~~ Fulfillment warehouse license, \$210; and
- 1346 ~~e.~~f. Marketing portal license, \$285.
- 1347 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
- 1348 imposed by this section on the license for which the applicant applied.
- 1349 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall
- 1350 be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
- 1351 the number of months in the license period, and then increased by five percent. Such tax shall not be
- 1352 refundable, except as provided in § 4.1-232.
- 1353 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
- 1354 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
- 1355 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
- 1356 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
- 1357 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
- 1358 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the
- 1359 liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale
- 1360 merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be
- 1361 disregarded.
- 1362 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license
- 1363 purchased in person from the Board if such license is available for purchase online.

1364 **§ 4.1-310. Illegal importation, shipment and transportation of alcoholic beverages; penalty;**
1365 **exception.**

1366 A. ~~No~~ Except as otherwise provided in § 4.1-209.2, no alcoholic beverages, other than wine or
1367 beer, shall be imported, shipped, transported, or brought into the Commonwealth, other than to distillery
1368 licensees or winery licensees, unless consigned to the Board. However, the Board may permit such
1369 alcoholic beverages ordered by it from outside the Commonwealth for (i) persons, for industrial purposes,
1370 (ii) the manufacture of articles allowed to be manufactured under § 4.1-200, or (iii) hospitals, to be shipped
1371 or transported directly to such persons. On such orders or shipments of alcohol, the Board shall charge
1372 only a reasonable permit fee.

1373 B. Except as otherwise provided in subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1, no
1374 wine shall be imported, shipped, transported or brought into the Commonwealth unless it is consigned to
1375 a wholesale wine licensee.

1376 C. Except as otherwise provided in subsection F of § 4.1-206.3 or § 4.1-209.1 or 4.1-212.1, no
1377 beer shall be imported, shipped, transported or brought into the Commonwealth except to persons licensed
1378 to sell it.

1379 D. Any person convicted of a violation of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

1380 E. The provisions of this chapter shall not prohibit (i) any person from bringing, in his personal
1381 possession, or through United States Customs in his accompanying baggage, into the Commonwealth not
1382 for resale, alcoholic beverages in an amount not to exceed one gallon or four liters if any part of the
1383 alcoholic beverages being transported is held in metric-sized containers, (ii) the shipment or transportation
1384 into the Commonwealth of a reasonable quantity of alcoholic beverages not for resale in the personal or
1385 household effects of a person relocating his place of residence to the Commonwealth, or (iii) the
1386 possession or storage of alcoholic beverages on passenger boats, dining cars, buffet cars and club cars,
1387 licensed under this title, or common carriers engaged in interstate or foreign commerce.

1388 **§ 4.1-311. Limitations on transporting lawfully purchased alcoholic beverages; penalty.**

1389 A. The transportation of alcoholic beverages lawfully purchased in the Commonwealth in excess
1390 of the following limits is prohibited except in accordance with Board regulations:

1391 1. Wine and beer, no limitation.

1392 2. ~~Alcoholic~~ Except as otherwise provided in § 4.1-209.2, alcoholic beverages other than wine and
1393 beer, three gallons, provided that not more than one gallon thereof shall be in containers holding less than
1394 one-fifth of a gallon. If any part of the alcoholic beverages being transported is held in metric-sized
1395 containers, the three-gallon limitation shall be construed to be 12 liters, and not more than 4 liters thereof
1396 shall be in containers smaller than 750 milliliters.

1397 B. The transportation of alcoholic beverages lawfully purchased outside the Commonwealth,
1398 within, into or through the Commonwealth, in quantities in excess of one gallon or four liters if any part
1399 of the alcohol being transported is held in metric-sized containers, is prohibited except in accordance with
1400 § 4.1-209.2 or Board regulations adopted pursuant to this section.

1401 C. Any person transporting alcoholic beverages in violation of this section ~~shall be~~ is guilty of a
1402 Class 1 misdemeanor.

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