

HOUSE BILL NO. 1753

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Robinson)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111 For the purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

386 1. Per-day event licenses.

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

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

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

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

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

416 2. Annual licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

630 For the purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

905 1. Per-day event licenses.

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

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

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

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

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

935 2. Annual licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1052 #