

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 631

An Act to amend and reenact § 4.1-219 of the Code of Virginia, relating to alcoholic beverage control; limitation on Class A and B farm wineries.

[S 1202]

Approved March 18, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-219 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-219. Limitation on Class A and Class B farm wineries.

For Class A farm winery licensees, at least ~~fifty-one~~ 51 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm and no more than ~~twenty-five~~ 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth.

For Class B farm winery licensees, ~~seventy-five~~ 75 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced in the Commonwealth and no more than ~~twenty-five~~ 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth. No Class B farm winery license shall be issued to any person who has not operated under an existing Virginia farm winery license for at least seven years.

However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use (i) of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm winery licensee, whether Class A or Class B, to achieve the level of production which otherwise could be anticipated during a given license year or (ii) *by a Class A farm winery of a lesser percentage of products grown or produced on the farm if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on the farm to manufacture wine during a given license year.* As used in this section, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this section includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.