VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 227

An Act to amend and reenact § 35.1-25 of the Code of Virginia, relating to regulation of restaurants; exemption.

[H 918]

Approved March 29, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 35.1-25 of the Code of Virginia is amended and reenacted as follows:

§ 35.1-25. Exemptions.

The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;

2. Cafeterias operated by industrial plants for employees only;

3. Churches, fraternal, school and social organizations, and volunteer fire departments and rescue squads which hold occasional dinners, bazaars, and other fund raisers of one or two days' duration, at which food prepared in the homes of members or in the kitchen of the church, school or organization is offered for sale to the public;

4. Grocery stores, including the delicatessen portion which is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

5. Churches which serve meals for their members as a regular part of their religious observances*; or*

6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Rules and Regulations Pertaining to the Sanitary and Operating Procedures in Retail Food Stores or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax.