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HOUSE BILL NO. 1316

Offered January 20, 2004

A BILL to amend and reenact § 4.1-201 of the Code of Virginia, relating to alcoholic beverage control; conduct not prohibited by licensed wineries and farm wineries.

Patrons—Dudley, Abbitt, Armstrong, Barlow, Bell, Gear, Hull, Phillips and Saxman

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-201. Conduct not prohibited by this chapter; limitation.

A. This chapter shall not prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers from other breweries owned by such person or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such winery or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. ~~The~~ *Notwithstanding any other provision of law, the receipt by a farm winery licensee or winery licensee of deliveries and shipments of wine in closed containers barrels, cartons, kegs, vessels or receptacles other than bottles from other wineries owned by such licensee or farm wineries located inside or outside the Commonwealth; or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers barrels, cartons, kegs, vessels or receptacles other than bottles from distilleries located inside or outside of the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.*

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers barrels, cartons, kegs, vessels or receptacles other than bottles to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

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59 10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed
60 ~~containers~~ *barrels, cartons, kegs, vessels or receptacles other than bottles* to another farm winery or
61 winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the
62 manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product
63 produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh
64 fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall
65 provide to the receiving licensee, and both shall maintain complete and accurate records of, the source
66 of the fresh fruits or agricultural products used to produce the wine so transferred.

67 B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale
68 outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from
69 receiving or selling the same.