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HOUSE JOINT RESOLUTION NO. 95

Offered January 11, 2006

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Establishing a joint subcommittee to study the definition of and qualifications relating to licensed retailers of alcoholic beverages and the limitations and restrictions imposed on the retail sale of alcoholic beverages in the Commonwealth. Report.

Patron—Albo

Referred to Committee on Rules

WHEREAS, the Commonwealth of Virginia requires businesses and other persons that desire to sell alcoholic beverages to be licensed by the Virginia Alcoholic Beverage Control Board (ABC Board); and

WHEREAS, both Title 4.1 of the Code of Virginia and the regulations of the Virginia Alcoholic Beverage Control Board (3 VAC 5-10 et seq.) establish varying definitions of "retailers" of alcoholic beverages, together with varying qualifications for such licensure; and

WHEREAS, many of the same definitions and qualifications may not necessarily be appropriate for the current social, economic, and business climate; and

WHEREAS, both Title 4.1 and the regulations of the Alcoholic Beverage Control Board also impose numerous limitations and restrictions on the retail sale of alcoholic beverages by such licensees; and

WHEREAS, it is vital that such limitations and restrictions on the retail sale of alcoholic beverages provide protection to the public by encouraging moderation in the consumption of alcoholic beverages and guard against the overzealous marketing of such beverages; and

WHEREAS, it is equally vital that such limitations and restrictions do not unduly hinder free enterprise, nor that they create unfair business advantages or disadvantages for the retail sale of alcoholic beverages; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the definition of and qualifications relating to licensed retailers of alcoholic beverages and the limitations and restrictions imposed on the retail sale of alcoholic beverages in the Commonwealth. The joint subcommittee shall consist of six members appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice chairman from among its membership.

In conducting its study, the joint subcommittee shall specifically examine the current definitions of retailers and the qualifications including, but not limited to, minimum food sales and food ratios necessary for holding a retail license; whether new tiers of licenses should be established to differentiate between larger and smaller retailers; whether it is feasible for the ABC Board to provide delivery service and wholesale pricing to mixed beverage retailers; and the continued appropriateness of limitations on the activities of retailers in the pricing and promotion of alcoholic beverages to the public.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Virginia Department of Alcoholic Beverage Control. The joint subcommittee shall seek input from the Virginia Hospitality & Travel Association, the Virginia Retail Merchants Association, the Virginia Beer & Wine Wholesalers Association, the Distilled Spirits Council of the United States, and other interested parties. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2006 interim, and the direct costs of this study shall not exceed \$3,600 without approval as set out in this resolution.

The joint subcommittee shall complete its meetings by November 30, 2006, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2007 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint

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59 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
60 delay the period for the conduct of the study, or authorize additional meetings during the 2006 interim.