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SENATE BILL NO. 604

Offered January 19, 2012

A *BILL to amend and reenact § 4.1-208 of the Code of Virginia, relating to alcoholic beverage control; privileges of brewery licensees.*

Patrons—McWaters and Stanley

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-208 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. *Such license shall also authorize the licensee to sell beer at retail at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.*

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such 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; ~~Provided, however,~~ or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples ~~may~~ shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

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

3. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

4. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

5. Retail on-premises beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

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59 c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee
60 to sell beer, either with or without meals, on such boats operated by them for on-premises consumption
61 when carrying passengers.

62 d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or
63 town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments.
64 No license shall be granted unless it appears affirmatively that a substantial public demand for such
65 licensed establishment exists and that public convenience and the purposes of this title will be promoted
66 by granting the license.

67 e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize
68 the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of
69 professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons
70 within all seating areas, concourses, walkways, concession areas, and additional locations designated by
71 the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon
72 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
73 beverages on the premises in all areas and locations covered by the license.

74 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar
75 facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta,
76 Pittsylvania, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the
77 performance of any event, in paper, plastic or similar disposable containers to patrons within all seating
78 areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon
79 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
80 beverages on the premises in all areas and locations covered by the license.

81 g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar
82 facilities located in any county operating under the urban county executive form of government or any
83 city which is completely surrounded by such county, which shall authorize the licensee to sell beer
84 during the event, in paper, plastic or similar disposable containers to patrons or attendees within all
85 seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations
86 designated by the Board in such facilities, for on-premises consumption. Upon authorization of the
87 licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the
88 premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or
89 exposition halls" and "convention centers" mean facilities conducting private or public trade shows or
90 exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

91 6. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed
92 containers for off-premises consumption.

93 7. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize
94 the licensee to sell beer at the place of business designated in the brewery license, in closed containers
95 which shall include growlers and other reusable containers, for off-premises consumption.

96 8. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 5 a and 5 d, which
97 shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall
98 authorize the licensee to sell beer in closed containers for off-premises consumption.