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SENATE BILL NO. 1388

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact §§ 4.1-119, as it is currently effective and as it shall become effective, 4.1-204, as it is currently effective and as it shall become effective, 4.1-206.1, as it shall become effective, 4.1-206.3, as it shall become effective, 4.1-207, 4.1-210, 4.1-212.1, as it is currently effective and as it shall become effective, and 4.1-221 of the Code of Virginia, relating to alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption.

 Patron—Reeves

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-119, as it is currently effective and as it shall become effective, 4.1-204, as it is currently effective and as it shall become effective, 4.1-206.1, as it shall become effective, 4.1-206.3, as it shall become effective, 4.1-207, 4.1-210, 4.1-212.1, as it is currently effective and as it shall become effective, and 4.1-221 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-119. (Effective until July 1, 2021) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and

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59 flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the
60 receiving distillery.

61 E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without
62 distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151
63 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

64 F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to
65 subsection G sold in government stores established by the Board on a distiller's licensed premises, shall
66 be in closed containers, sealed and affixed with labels prescribed by the Board.

67 G. No alcoholic beverages shall be consumed in a government store by any person unless it is part
68 of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm
69 winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a
70 permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, at which the samples of
71 alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in
72 subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic
73 beverages may not lawfully be sold pursuant to § 4.1-304.

74 Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed
75 pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic
76 beverages may be lawfully sold for on-premises *or off-premises* consumption, provided that (i) the
77 spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on
78 contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall
79 exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a
80 mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of
81 spirits; (iii) no more than four total samples of alcoholic beverage products or, in the case of spirits
82 samples, no more than three ounces of spirits shall be given or sold to any person per day; and (iv) in
83 the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this
84 paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such
85 mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or
86 on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in
87 such samples is manufactured on the licensed premises or on contiguous premises of the licensed
88 distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises
89 no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on
90 contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not
91 manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be
92 purchased from the Board.

93 The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

94 Any case fee charged to a licensed distiller by the Board for moving spirits from the production and
95 bailment area to the tasting area of a government store established by the Board on the distiller's
96 licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

97 H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in
98 payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or
99 check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii)
100 provide notice to licensees on Board policies relating to the assignment of government stores from
101 which licensees may purchase products and any procedure for the licensee to elect to make purchases
102 from an alternative government store.

103 I. With respect to purchases by consumers at government stores, the Authority shall accept cash in
104 payment for any purchase or series of purchases. The Board may adopt regulations which provide for
105 accepting a credit card or debit card as payment. Such regulations may provide for the collection, where
106 appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by
107 any consumer.

108 J. Before the Authority implements any increase in the markup on distilled spirits or any change to
109 the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the
110 retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public
111 notice before such a price increase takes effect; (ii) provide the opportunity for submission of written
112 comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of
113 receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal
114 comments before implementing such a price increase.

115 **§ 4.1-119. (Effective July 1, 2021, until July 1, 2022) Operation of government stores.**

116 A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and
117 operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by
118 farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with
119 distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as
120 may be approved by the Board from time to time, and products licensed by the Virginia Tourism

Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. If the licensed distiller makes application and meets certain requirements established by the Board, such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises or off-premises consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery,

provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-119. (Effective July 1, 2022) Operation of government stores.

A. Subject to the provisions of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, low alcohol beverage coolers, vermouth, mixers, products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine or cider produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine or cider per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board (i) on the distiller's licensed premises or (ii) at the site of an event licensed by the Board and conducted for the purpose of featuring and educating the consuming public about spirits products.

Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement authorized by this subsection a commission of not less than 20 percent of the retail price of the goods sold. If the licensed distiller makes application and meets certain requirements established by the Board,

such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to the amount due to the Board in applicable taxes and markups.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (a) (1) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages or (2) used in a low alcohol beverage cooler and (b) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 14 of § 4.1-212, at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of spirits, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises *or off-premises* consumption, provided that (i) the spirits, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a distillery, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine or cider, or one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits; (iii) no more than 12 ounces of beer, five ounces of wine, or three ounces of spirits shall be given or sold to any person per day; and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as part of a mixed beverage. Such mixed beverage samples may contain spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery, provided that at least 75 percent of the alcohol used in such samples is manufactured on the licensed premises or on contiguous premises of the licensed distillery. An agent of the Board appointed pursuant to subsection D may keep on the licensed premises no more than 10 varieties of spirits or vermouth not manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous premises of the licensed distillery shall be purchased from the Board.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

Any case fee charged to a licensed distiller by the Board for moving spirits from the production and bailment area to the tasting area of a government store established by the Board on the distiller's licensed premises shall be waived if such spirits are moved by employees of the licensed distiller.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-204. (Effective until July 1, 2021) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses which require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine shippers and beer shippers. — Every wine shipper licensee and every beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Delivery permittees. — Every holder of a delivery permit issued pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the brands of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the names, addresses, and signatures of the purchasers to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format. Permittees shall remit such records on a monthly basis for any month during which the permittee makes a delivery for which the permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection D of § 4.1-212.1.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine shipper licensee and beer shipper licensee and (ii) every delivery permittee wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine shipper licensee, a beer shipper licensee, or delivery permittee, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-204. (Effective July 1, 2021) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in

accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the brands of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, and (iv) the names, addresses, and signatures of the purchasers to whom the wine and beer is delivered. Such purchaser signatures may be in an electronic format. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection E H of § 4.1-212.1.

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.1. (Effective July 1, 2021) Manufacturer licenses.

The Board may grant the following manufacturer licenses:

1. Distiller's licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that (i) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an

428 agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery
429 use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential
430 conservation." Except for the limitation on land zoned "residential conservation," nothing in this
431 definition shall otherwise limit or affect local zoning authority.

432 3. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or
433 ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons
434 licensed to sell the beer at wholesale and (ii) persons outside the Commonwealth for resale outside the
435 Commonwealth. Such license shall also authorize the licensee to sell at retail at premises described in
436 the brewery license (a) the brands of beer that the brewery owns for on-premises consumption, provided
437 that not less than 20 percent of the volume of beer sold for on-premises consumption in any calendar
438 year is manufactured on the licensed premises, and (b) beer in closed containers, which shall include
439 growlers and other reusable containers, for off-premises consumption.

440 4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per
441 calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned
442 agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including
443 barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on
444 the farm. The licensed premises shall be limited to the portion of the farm on which agricultural
445 products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its
446 beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured,
447 exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local
448 governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm
449 to be included as part of the licensed premises. For purposes of this subdivision, "land zoned
450 agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise
451 permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned
452 agricultural" does not include land zoned "residential conservation." Except for the limitation on land
453 zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning
454 authority.

455 Limited brewery licensees shall be treated as breweries for all purposes of this title except as
456 otherwise provided in this subdivision.

457 5. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or
458 ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the
459 wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth
460 for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate
461 distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit
462 juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate
463 a contract winemaking facility on the premises of the licensee in accordance with Board regulations; (iii)
464 store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board; and
465 (iv) sell wine at retail at the place of business designated in the winery license for on-premises
466 consumption or in closed containers for off-premises consumption, provided that any brand of wine not
467 owned by the winery licensee is purchased from a wholesale wine licensee and any wine sold for
468 on-premises consumption is manufactured on the licensed premises.

469 6. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21
470 percent or less of alcohol by volume and to sell, deliver, or ship the wine, in accordance with Board
471 regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured
472 at wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the
473 licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this
474 wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for
475 the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility
476 on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded
477 warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes
478 of this title, a farm winery license shall be designated either as a Class A or Class B farm winery
479 license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an
480 agreement in accordance with Board regulations with a winery or farm winery licensee operating a
481 contract winemaking facility.

482 Such licenses shall also authorize the licensee to sell wine at retail at the places of business
483 designated in the licenses, which may include no more than five additional retail establishments of the
484 licensee. Wine may be sold at these business places for on-premises consumption and in closed
485 containers for off-premises consumption, provided that any brand of wine not owned by the farm winery
486 licensee is purchased from a wholesale wine licensee. In addition, wine may be pre-mixed by the
487 licensee to be served and sold for on-premises or off-premises consumption at these business places.

488 7. Wine importer's licenses, which shall authorize persons located within or outside the
489 Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed

containers, to persons in the Commonwealth licensed to sell such wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

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

§ 4.1-206.3. (Effective July 1, 2021) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for *on-premises* consumption in dining areas and other designated areas of such restaurant *or off-premises consumption*. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for *on-premises* consumption in such designated areas, bedrooms, and other private rooms *or off-premises consumption* and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises *or off-premises* consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages ~~for on-premises consumption~~, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, *for off-premises consumption or for on-premises consumption* in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for *on-premises* consumption in dining areas of the restaurant or *off-premises consumption*. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide

lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under

§ 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, 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. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may

authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such

797 licenses may be granted to persons operating concert or dinner-theater venues on property fronting
798 Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High
799 School.

800 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or
801 without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be
802 lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The
803 privileges of this license shall be limited to the premises of the historic cinema house regularly occupied
804 and utilized as such.

805 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
806 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
807 licenses may be granted to persons operating a nonprofit museum exempt from taxation under §
808 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating
809 the consuming public about historic beer products. The privileges of this license shall be limited to the
810 premises of the museum, regularly occupied and utilized as such.

811 C. The Board may grant the following off-premises wine and beer licenses:

812 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store,
813 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as
814 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and
815 beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308,
816 to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for
817 on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of
818 wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day.
819 The licensee may also give samples of wine and beer in designated areas at events held by the licensee
820 for the purpose of featuring and educating the consuming public about the alcoholic beverages being
821 tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale
822 licensees or authorized representatives of such licensees may participate in such tastings, including the
823 pouring of samples. The licensee shall comply with any food inventory and sales volume requirements
824 established by Board regulation.

825 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
826 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
827 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
828 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

829 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed
830 premises for off-premises consumption confectionery that contains five percent or less alcohol by
831 volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such
832 confectionery is sold.

833 D. The Board may grant the following banquet, special event, and tasting licenses:

834 1. Per-day event licenses.

835 a. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or
836 associations in charge of special events, which shall authorize the licensee to sell or give wine and beer
837 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
838 or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also
839 be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises
840 consumption to persons to whom wine may be lawfully sold and (ii) shall be limited to no more than
841 one such fundraiser per year. Except as provided in § 4.1-215, a separate license shall be required for
842 each day of each banquet or special event. For the purposes of this subdivision, when the location
843 named in the original application for a license is outdoors, the application may also name an alternative
844 location in the event of inclement weather. However, no such license shall be required of any hotel,
845 restaurant, or club holding a retail wine and beer license.

846 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in
847 charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for
848 on-premises consumption in areas approved by the Board on the premises of the place designated in the
849 license. A separate license shall be required for each day of each special event.

850 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
851 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members
852 and their guests in areas approved by the Board on the club premises. A separate license shall be
853 required for each day of each club event. No more than 12 such licenses shall be granted to a club in
854 any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize
855 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,
856 the licensee shall be required to pay the local fee required for such additional license pursuant to
857 § 4.1-233.1.

858 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages

of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Local special events licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the special event and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the special event to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the special event, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the special event, the Board shall consult with the locality. Local special events licensees shall be limited to 16 special events per year, and the duration of any special event shall not exceed three consecutive days. Such limitations on the number of special events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, local special events licensees shall be subject to all other applicable provisions of this title and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the special event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the local special events licensee. The local special events licensee shall post appropriate signage clearly demarcating for the public the boundaries of the special event; however, no physical barriers shall be required for this purpose. The local special events licensee shall provide adequate security for the special event to ensure compliance with the applicable provisions of this title and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this

license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler 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.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

§ 4.1-207. (Repealed effective July 1, 2021) Wine licenses.

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee; (ii) operate

a contract winemaking facility on the premises of the licensee in accordance with Board regulations; (iii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board; and (iv) sell wine at retail on the premises described in the winery license for on-premises consumption or in closed containers for off-premises consumption, provided that such wine is manufactured on the licensed premises.

2. Wholesale wine licenses, including those granted pursuant to § 4.1-207.1, which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

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

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

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 21 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises *or off-premises* consumption at these business places.

6. Internet wine retailer license, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

§ 4.1-210. (Repealed effective July 1, 2021) Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for *on-premises* consumption in dining areas and other designated areas of such restaurant *or off-premises consumption*. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas,

1043 bedrooms and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed
1044 beverages for *on-premises* consumption in such designated areas, bedrooms and other private rooms *or*
1045 *off-premises consumption* and (b) sell spirits packaged in original closed containers purchased from the
1046 Board for on-premises consumption to registered guests and at scheduled functions of such hotel or
1047 motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort
1048 complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all
1049 areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any
1050 person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

1051 If the restaurant is located on the premises of and operated by a private, nonprofit or profit club
1052 exclusively for its members and their guests, or members of another private, nonprofit or profit club in
1053 another city with which it has an agreement for reciprocal dining privileges, such license shall also
1054 authorize the licensees to (a) sell and serve mixed beverages for on-premises *or off-premises*
1055 consumption and (b) sell spirits that are packaged in original closed containers with a maximum capacity
1056 of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where
1057 such club prepares no food in its restaurant but purchases its food requirements from a restaurant
1058 licensed by the Board and located on another portion of the premises of the same hotel or motel
1059 building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all
1060 other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the
1061 premises and food resold to its members and guests and consumed on the premises shall amount to at
1062 least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made
1063 by a restaurant to such a club shall be excluded in any consideration of the qualifications of such
1064 restaurant for a license from the Board.

1065 If the restaurant is located on the premises of and operated by a municipal golf course, the Board
1066 shall recognize the seasonal nature of the business and waive any applicable monthly food sales
1067 requirements for those months when weather conditions may reduce patronage of the golf course,
1068 provided that prepared food, including meals, is available to patrons during the same months. The gross
1069 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic
1070 beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent
1071 of the gross receipts from the sale of mixed beverages and food on an annualized basis.

1072 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license
1073 shall authorize the licensee to (1) sell alcoholic beverages ~~for on-premises consumption~~, without regard
1074 to the amount of gross receipts from the sale of food prepared and consumed on the premises, *for*
1075 *off-premises consumption or for on-premises consumption* in areas upon the licensed premises approved
1076 by the Board and other designated areas of the resort, including outdoor areas under the control of the
1077 licensee, and (2) permit the possession and consumption of lawfully acquired alcoholic beverages by
1078 persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

1079 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the
1080 business of providing food and beverages to others for service at private gatherings or at special events,
1081 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption.
1082 The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic
1083 beverages served at gatherings and events referred to in this subdivision shall amount to at least 45
1084 percent of the gross receipts from the sale of mixed beverages and food.

1085 3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly
1086 engaged in the business of providing food and beverages to others for service at private gatherings or at
1087 special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell
1088 and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of
1089 food cooked and prepared for service and nonalcoholic beverages served at gatherings and events
1090 referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of
1091 mixed beverages and food.

1092 4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in
1093 charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for
1094 on-premises consumption in areas approved by the Board on the premises of the place designated in the
1095 license. A separate license shall be required for each day of each special event.

1096 5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or
1097 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
1098 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and
1099 objects significant in American history and culture; (iii) persons operating an agricultural event and
1100 entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space
1101 and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped
1102 with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted
1103 on the premises of a museum for historic interpretation that is owned and operated by the locality. The
1104 operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide

1105 lease the original term of which was for more than one year's duration. Such license shall authorize the
 1106 licensee to sell alcoholic beverages during scheduled events and performances for on-premises
 1107 consumption in areas upon the licensed premises approved by the Board.

1108 6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat
 1109 or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the
 1110 Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms
 1111 of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
 1112 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air
 1113 carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes
 1114 and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits
 1115 will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier
 1116 licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits
 1117 may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and
 1118 any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported,
 1119 stored, and delivered by its authorized representative.

1120 7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer
 1121 club license to sell and serve mixed beverages for on-premises consumption by club members and their
 1122 guests in areas approved by the Board on the club premises. A separate license shall be required for
 1123 each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar
 1124 year.

1125 8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any
 1126 outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000
 1127 persons and is located in Prince William County or the City of Virginia Beach. Such license shall
 1128 authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic
 1129 or similar disposable containers or in single original metal cans, to patrons within all seating areas,
 1130 concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

1131 9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any
 1132 outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000
 1133 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize
 1134 the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar
 1135 disposable containers or in single original metal cans, to patrons within all seating areas, concourses,
 1136 walkways, concession areas, or similar facilities, for on-premises consumption.

1137 10. Annual mixed beverage motor sports facility license to persons operating food concessions at any
 1138 outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on
 1139 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed
 1140 beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during
 1141 scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all
 1142 dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for
 1143 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his
 1144 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
 1145 license.

1146 11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or
 1147 charitable membership organizations that are exempt from state and federal taxation and in charge of
 1148 banquets conducted exclusively for its members and their guests, which shall authorize the licensee to
 1149 serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of
 1150 the place designated in the license. Such license shall authorize the licensee to conduct no more than 12
 1151 banquets per calendar year.

1152 12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
 1153 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
 1154 shall be combined with coffee or other nonalcoholic beverages, for *on-premises* consumption in dining
 1155 areas of the restaurant or *off-premises consumption*. Such license may be granted only to persons who
 1156 operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with
 1157 the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food
 1158 and alcoholic beverages.

1159 13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an
 1160 outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the
 1161 licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original
 1162 metal cans, during scheduled events, as well as events or performances immediately subsequent thereto,
 1163 to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar
 1164 facilities, for on-premises consumption.

1165 14. Annual mixed beverage performing arts facility license to corporations or associations operating a

performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

17. Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

18. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant, culinary lodging resort, or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

19. Annual mixed beverage performing arts facility license to persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

20. Annual mixed beverage performing arts facility license to persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

§ 4.1-212.1. (Effective until July 1, 2021) Permits; delivery of wine and beer; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal consumption.

B. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at

retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal consumption.

C. Any person located within the Commonwealth who is authorized to sell mixed beverages at retail for off-premises consumption may apply for a delivery permit that shall authorize the delivery of any mixed beverages it is authorized to sell, in closed containers, to consumers within the Commonwealth for personal consumption.

D. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may, subject to the distiller's agency agreement with the Authority, deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages that the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations.

E. All ~~such~~ deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. ~~All such~~ Such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of the permittee or (ii) an independent contractor of the permittee, provided that (a) the permittee has entered into a written agreement with the independent contractor establishing that the permittee shall be vicariously liable for any administrative violations of this section or § 4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine alcoholic beverages made on behalf of the permittee and (b) only one individual takes possession of the beer, wine, or farm wine alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Department in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(i)~~ (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(ii)~~ (2) the recipient to sign an electronic or paper form or other ~~acknowledgement~~ acknowledgment of receipt as approved by the Board.

~~D.~~ F. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

1. Notwithstanding any provision of law to the contrary, mixed beverages may be delivered to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation;

2. Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m. or before 6:00 a.m.;

3. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;

4. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer and have a maximum combined volume of 16 ounces;

5. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered; and

6. Mixed beverages sold for off-premises consumption or delivered shall be in single original metal cans or in glass, paper, plastic, or similar disposable containers that include a secure lid, cap, or similar closure that prevents the mixed beverage from being consumed without removal of such lid, cap, or similar closure.

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

G. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine ~~or~~, beer, or mixed beverages by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the

1289 Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

1290 **§ 4.1-212.1. (Effective July 1, 2021) Delivery of wine and beer; kegs; regulations of Board.**

1291 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is
1292 authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the
1293 brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed
1294 containers to consumers within the Commonwealth for personal off-premises consumption.

1295 B. Any person licensed to sell wine and beer at retail for off-premises consumption in the
1296 Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer,
1297 wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth
1298 for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such
1299 deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's
1300 premises where such person has electronically ordered beer, wine, or farm wine in advance of the
1301 delivery or (ii) such other locations as may be permitted by Board regulation.

1302 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for
1303 off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery,
1304 may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm
1305 wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the
1306 Commonwealth for personal off-premises consumption.

1307 D. *Any person licensed to sell mixed beverages at retail for off-premises consumption in the*
1308 *Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to*
1309 *consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any*
1310 *provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a*
1311 *designated parking area of the licensee's premises where such person has electronically ordered mixed*
1312 *beverages in advance of the delivery or (ii) such other locations as may be permitted by Board*
1313 *regulation.*

1314 E. *Any distiller that has been appointed as an agent of the Board pursuant to subsection D of*
1315 *§ 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic*
1316 *beverages the distiller is authorized to sell through organized tasting events in accordance with*
1317 *subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary,*
1318 *such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the*
1319 *licensee's premises where such person has electronically ordered mixed beverages in advance of the*
1320 *delivery or (ii) such other locations as may be permitted by Board regulation.*

1321 F. All ~~such~~ deliveries made pursuant to this section shall be to consumers within the Commonwealth
1322 for personal consumption only and not for resale. ~~All such~~ Such deliveries of beer, wine, or farm wine
1323 shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of
1324 the licensee or permittee or (ii) an independent contractor of the licensee or permittee, provided that (a)
1325 the licensee or permittee has entered into a written agreement with the independent contractor
1326 establishing that the licensee or permittee shall be vicariously liable for any administrative violations of
1327 this section or § 4.1-304 committed by the independent contractor relating to any deliveries of ~~beer,~~
1328 ~~wine, or farm wine~~ alcoholic beverages made on behalf of the licensee or permittee and (b) only one
1329 individual takes possession of the ~~beer, wine, or farm wine~~ alcoholic beverages during the course of the
1330 delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one
1331 time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the
1332 licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he
1333 notifies the Authority in writing at least one business day in advance of any such delivery, which notice
1334 contains the name and address of the intended recipient. The Board may adopt such regulations as it
1335 reasonably deems necessary to implement the provisions of this section. Such regulations shall include
1336 provisions that require (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age
1337 and (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as
1338 approved by the Board.

1339 E. G. *In addition to other applicable requirements set forth in this section, the following provisions*
1340 *shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed*
1341 *beverages pursuant to this section:*

1342 1. *Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m. or*
1343 *before 6:00 a.m.;*

1344 2. *No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at*
1345 *any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell*
1346 *for off-premises consumption or deliver more than four mixed beverages at any one time;*

1347 3. *All mixed beverages sold for off-premises consumption or delivered by a mixed beverage*
1348 *restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer and have a*
1349 *maximum combined volume of 16 ounces;*

1350 4. *Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least*

one meal with every two mixed beverages sold for off-premises consumption or delivered; and

5. Mixed beverages sold for off-premises consumption or delivered shall be in single original metal cans or in glass, paper, plastic, or similar disposable containers that include a secure lid, cap, or similar closure that prevents the mixed beverage from being consumed without removal of such lid, cap, or similar closure.

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine ~~or~~, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

~~F.~~ I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-221. Limitation on mixed beverage licensees; exceptions.

A. Unless excepted by subsection B, all alcoholic beverages sold as mixed beverages shall be purchased from the Board.

B. Mixed beverage carrier licensees may obtain from other lawful sources alcoholic beverages to be sold as mixed beverages on trains, boats or airplanes of the licensees provided there is paid to the Board in lieu of the taxes otherwise directly imposed under this chapter and any markup otherwise charged by the Board, a tax of ten cents for each of the average number of drinks of mixed beverages determined by the Board as having been consumed within the geographical confines of the Commonwealth on such trains, boats or airplanes. Such tax shall be calculated on the basis of the proportionate number of revenue passenger miles traveled within the Commonwealth by such a licensee in relation to the total quantity of all alcoholic beverages obtained either inside or outside the Commonwealth by the licensee for consumption on trains, boats or airplanes of the licensee. Such tax shall be paid to the Board on a quarterly basis.

C. The entire contents of a closed container of distilled spirits shall not be served to an individual for on-premises consumption or for off-premises consumption pursuant to § 4.1-212.1 except as may be provided by Board regulation.