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## SENATE BILL NO. 1299

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on January 15, 2021)

(Patrons Prior to Substitute—Senators Bell and Reeves [SB 1388])

*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.*

**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 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

60 distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 151  
61 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

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

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

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

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

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

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

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

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

113 **§ 4.1-119. (Effective July 1, 2021, until July 1, 2022) Operation of government stores.**

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

121 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

183 manufactured on the licensed premises or on contiguous premises of the licensed distillery. Any spirits  
184 or vermouth used in such samples that are not manufactured on the licensed premises or on contiguous  
185 premises of the licensed distillery shall be purchased from the Board.

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

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

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

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

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

208 **§ 4.1-119. (Effective July 1, 2022) Operation of government stores.**

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

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

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

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

237 Such agents shall sell the spirits and low alcohol beverage coolers in accordance with the provisions  
238 of this title, Board regulations, and the terms of the agency agreement between the Authority and the  
239 licensed distiller. The Authority shall pay a licensed distiller making sales pursuant to an agreement  
240 authorized by this subsection a commission of not less than 20 percent of the retail price of the goods  
241 sold. If the licensed distiller makes application and meets certain requirements established by the Board,  
242 such agreement shall allow monthly revenue transfers from the licensed distiller to the Board to be  
243 submitted electronically and, notwithstanding the provisions of §§ 2.2-1802 and 4.1-116, to be limited to  
244 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

306 keep complete, accurate and separate records in accordance with Board regulations of all alcoholic  
307 beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by  
308 § 4.1-234 or 4.1-236, if any.

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

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

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

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

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

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

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

358 **§ 4.1-204. (Effective July 1, 2021) Records of licensees; inspection of records and places of**  
359 **business.**

360 A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall  
361 keep complete, accurate and separate records in accordance with Board regulations of all alcoholic  
362 beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by  
363 § 4.1-234 or 4.1-236, if any.

364 B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in  
365 accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such  
366 licensee therefor, and the names and addresses of the persons from whom purchased. Every retail  
367 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 agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this

429 definition shall otherwise limit or affect local zoning authority.

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

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

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

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

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

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

486 7. Wine importer's licenses, which shall authorize persons located within or outside the  
487 Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed  
488 containers, to persons in the Commonwealth licensed to sell such wine at wholesale for the purpose of  
489 resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

490 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.

552 The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic  
553 beverages served at gatherings and events referred to in this subdivision shall amount to at least 45  
554 percent of the gross receipts from the sale of mixed beverages and food.

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

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

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

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

601 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to  
602 sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable  
603 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,  
604 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by  
605 the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and  
606 beer for on-premises consumption or in closed containers for off-premises consumption; however, the  
607 licensee shall be required to pay the local fee required for such additional license pursuant to  
608 § 4.1-233.1. Such licenses may be granted to the following:

609 a. Corporations or associations operating a performing arts facility, provided the performing arts  
610 facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide  
611 lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated  
612 in accordance with historic preservation standards;

613 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

675 bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in  
676 any way by the licensee. The privileges of this license shall be limited to the premises of the museum,  
677 regularly occupied and utilized as such.

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

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

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

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

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

729 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed  
730 containers for off-premises consumption or (ii) for on-premises consumption, either with or without  
731 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest  
732 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and  
733 areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may  
734 authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed  
735 appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and  
736 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 licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

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

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

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

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

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

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

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

832 1. Per-day event licenses.

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

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

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

856 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages  
857 of the type specified in the license in designated areas at events held by the licensee. A tasting license  
858 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic  
859 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, 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

1044 Board for on-premises consumption to registered guests and at scheduled functions of such hotel or  
1045 motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort  
1046 complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all  
1047 areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any  
1048 person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

1049 If the restaurant is located on the premises of and operated by a private, nonprofit or profit club  
1050 exclusively for its members and their guests, or members of another private, nonprofit or profit club in  
1051 another city with which it has an agreement for reciprocal dining privileges, such license shall also  
1052 authorize the licensees to (a) sell and serve mixed beverages for on-premises *or off-premises*  
1053 consumption and (b) sell spirits that are packaged in original closed containers with a maximum capacity  
1054 of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where  
1055 such club prepares no food in its restaurant but purchases its food requirements from a restaurant  
1056 licensed by the Board and located on another portion of the premises of the same hotel or motel  
1057 building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all  
1058 other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the  
1059 premises and food resold to its members and guests and consumed on the premises shall amount to at  
1060 least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made  
1061 by a restaurant to such a club shall be excluded in any consideration of the qualifications of such  
1062 restaurant for a license from the Board.

1063 If the restaurant is located on the premises of and operated by a municipal golf course, the Board  
1064 shall recognize the seasonal nature of the business and waive any applicable monthly food sales  
1065 requirements for those months when weather conditions may reduce patronage of the golf course,  
1066 provided that prepared food, including meals, is available to patrons during the same months. The gross  
1067 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic  
1068 beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent  
1069 of the gross receipts from the sale of mixed beverages and food on an annualized basis.

1070 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license  
1071 shall authorize the licensee to (1) sell alcoholic beverages ~~for on-premises consumption~~, without regard  
1072 to the amount of gross receipts from the sale of food prepared and consumed on the premises, *for*  
1073 *off-premises consumption or for on-premises consumption* in areas upon the licensed premises approved  
1074 by the Board and other designated areas of the resort, including outdoor areas under the control of the  
1075 licensee, and (2) permit the possession and consumption of lawfully acquired alcoholic beverages by  
1076 persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

1077 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the  
1078 business of providing food and beverages to others for service at private gatherings or at special events,  
1079 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption.  
1080 The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic  
1081 beverages served at gatherings and events referred to in this subdivision shall amount to at least 45  
1082 percent of the gross receipts from the sale of mixed beverages and food.

1083 3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly  
1084 engaged in the business of providing food and beverages to others for service at private gatherings or at  
1085 special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell  
1086 and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of  
1087 food cooked and prepared for service and nonalcoholic beverages served at gatherings and events  
1088 referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of  
1089 mixed beverages and food.

1090 4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in  
1091 charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for  
1092 on-premises consumption in areas approved by the Board on the premises of the place designated in the  
1093 license. A separate license shall be required for each day of each special event.

1094 5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or  
1095 association operating either a performing arts facility or an art education and exhibition facility; (ii) a  
1096 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and  
1097 objects significant in American history and culture; (iii) persons operating an agricultural event and  
1098 entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space  
1099 and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped  
1100 with roofs, exterior walls, and open or closed-door access; or (iv) a locality for special events conducted  
1101 on the premises of a museum for historic interpretation that is owned and operated by the locality. The  
1102 operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide  
1103 lease the original term of which was for more than one year's duration. Such license shall authorize the  
1104 licensee to sell alcoholic beverages during scheduled events and performances for on-premises  
1105 consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat 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 distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits 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 distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

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

8. Annual mixed beverage amphitheater licenses to 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. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to 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. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, 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. 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.

11. 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 its 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.

12. 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.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, 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.

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.

1167 Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for  
1168 on-premises consumption in areas upon the licensed premises approved by the Board.

1169 15. Annual mixed beverage performing arts facility license to persons operating food concessions at  
1170 any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the  
1171 performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the  
1172 original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has  
1173 been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts  
1174 from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages  
1175 served on the premises that meet or exceed the monthly minimum established by Board regulations for  
1176 mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or  
1177 events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises  
1178 approved by the Board.

1179 16. Annual mixed beverage performing arts facility license to persons operating food concessions at  
1180 any performing arts facility located in the City of Waynesboro, provided that the performing arts facility  
1181 (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which  
1182 was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been  
1183 rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on  
1184 the dates of performances or private or special events, of alcoholic beverages for on-premises  
1185 consumption in areas upon the licensed premises approved by the Board.

1186 17. Annual mixed beverage performing arts facility license to persons operating food concessions at  
1187 any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided  
1188 that the performing arts facility (i) is occupied under a bona fide long-term lease or concession  
1189 agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance  
1190 with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or  
1191 prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet  
1192 or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and  
1193 (iv) has a total capacity in excess of 900 patrons. Such license shall authorize the sale, on the dates of  
1194 performances or private or special events, of alcoholic beverages for on-premises consumption in areas  
1195 upon the licensed premises approved by the Board.

1196 18. A combined mixed beverage restaurant and caterer's license, which may be granted to any  
1197 restaurant, culinary lodging resort, or hotel that meets the qualifications for both a mixed beverage  
1198 restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the  
1199 same business location, and which license shall authorize the licensee to operate as both a mixed  
1200 beverage restaurant and mixed beverage caterer at the same business premises designated in the license,  
1201 with a common alcoholic beverage inventory for purposes of the restaurant and catering operations.  
1202 Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant  
1203 license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

1204 19. Annual mixed beverage performing arts facility license to persons operating food concessions at  
1205 any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the  
1206 theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100  
1207 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic  
1208 beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

1209 20. Annual mixed beverage performing arts facility license to persons operating food concessions at  
1210 any corporate and performing arts facility located in Fairfax County, provided that the corporate and  
1211 performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession  
1212 agreement, the original term of which was more than one year and (ii) has a total capacity in excess of  
1213 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic  
1214 beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

1215 B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
1216 19, or 20 shall automatically include a license to sell and serve wine and beer for on-premises  
1217 consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

1218 **§ 4.1-212.1. (Effective until July 1, 2021) Permits; delivery of wine and beer; regulations of**  
1219 **Board.**

1220 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is  
1221 authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the  
1222 Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and  
1223 farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers  
1224 within the Commonwealth for personal consumption.

1225 B. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at  
1226 retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm  
1227 winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine,  
1228 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 Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

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

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is

1290 authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the  
1291 brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed  
1292 containers to consumers within the Commonwealth for personal off-premises consumption.

1293 B. Any person licensed to sell wine and beer at retail for off-premises consumption in the  
1294 Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer,  
1295 wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth  
1296 for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such  
1297 deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's  
1298 premises where such person has electronically ordered beer, wine, or farm wine in advance of the  
1299 delivery or (ii) such other locations as may be permitted by Board regulation.

1300 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for  
1301 off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery,  
1302 may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm  
1303 wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the  
1304 Commonwealth for personal off-premises consumption.

1305 D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the  
1306 Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to  
1307 consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any  
1308 provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a  
1309 designated parking area of the licensee's premises where such person has electronically ordered mixed  
1310 beverages in advance of the delivery or (ii) such other locations as may be permitted by Board  
1311 regulation.

1312 E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of  
1313 § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic  
1314 beverages the distiller is authorized to sell through organized tasting events in accordance with  
1315 subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary,  
1316 such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the  
1317 licensee's premises where such person has electronically ordered mixed beverages in advance of the  
1318 delivery or (ii) such other locations as may be permitted by Board regulation.

1319 F. All ~~such~~ deliveries made pursuant to this section shall be to consumers within the Commonwealth  
1320 for personal consumption only and not for resale. ~~All such~~ Such deliveries of beer, wine, or farm wine  
1321 shall be performed by either (i) the owner or any agent, officer, director, shareholder, or employee of  
1322 the licensee or permittee or (ii) an independent contractor of the licensee or permittee, provided that (a)  
1323 the licensee or permittee has entered into a written agreement with the independent contractor  
1324 establishing that the licensee or permittee shall be vicariously liable for any administrative violations of  
1325 this section or § 4.1-304 committed by the independent contractor relating to any deliveries of ~~beer,~~  
1326 ~~wine, or farm wine~~ alcoholic beverages made on behalf of the licensee or permittee and (b) only one  
1327 individual takes possession of the ~~beer, wine, or farm wine~~ alcoholic beverages during the course of the  
1328 delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one  
1329 time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the  
1330 licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he  
1331 notifies the Authority in writing at least one business day in advance of any such delivery, which notice  
1332 contains the name and address of the intended recipient. The Board may adopt such regulations as it  
1333 reasonably deems necessary to implement the provisions of this section. Such regulations shall include  
1334 provisions that require (1) the recipient to demonstrate, upon delivery, that he is at least 21 years of age  
1335 and (2) the recipient to sign an electronic or paper form or other acknowledgement of receipt as  
1336 approved by the Board.

1337 E. G. In addition to other applicable requirements set forth in this section, the following provisions  
1338 shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed  
1339 beverages pursuant to this section:

1340 1. Mixed beverages shall not be sold for off-premises consumption or delivered after 11:00 p.m. or  
1341 before 6:00 a.m.;

1342 2. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at  
1343 any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell  
1344 for off-premises consumption or deliver more than four mixed beverages at any one time;

1345 3. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage  
1346 restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer and have a  
1347 maximum combined volume of 16 ounces;

1348 4. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least  
1349 one meal with every two mixed beverages sold for off-premises consumption or delivered; and

1350 5. Mixed beverages sold for off-premises consumption or delivered shall be in single original metal  
1351 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, 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.

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.

**2. That the provisions of this act shall expire on July 1, 2022.**

**3. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption. In conducting the study, the work group shall analyze the implementation of the provisions of this act that authorize the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption, determine whether such provisions should be implemented permanently, and identify any further statutory or regulatory modifications that should be made in the event that such provisions are made permanent. The Authority shall report its findings and recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021.**