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HOUSE BILL NO. 1753

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 26, 2023)

(Patron Prior to Substitute—Delegate Robinson)

A BILL to amend and reenact § 4.1-206.3, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; mixed beverage carrier license; airport passenger lounge; emergency.

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-206.3, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 4.1-206.3. (Effective until July 1, 2024) 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 licensee 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, 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

60 designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit
61 the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight
62 lodging is being provided in bedrooms and private guest rooms.

63 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an
64 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage
65 restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on
66 the licensed premises of the restaurant during all hours of operation of the mixed beverage casino
67 licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of
68 the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board,
69 after consultation with the mixed beverage casino licensee. Designated areas may include any areas on
70 the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms,
71 private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant
72 pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable
73 container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was
74 purchased.

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

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

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

92 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train,
93 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
94 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
95 rooms of establishments of air carriers at airports in the Commonwealth and (ii) *financial institutions,*
96 *subsidiaries of a financial institution, or persons approved by the applicable airport authority that have*
97 *entered into a contract with a financial institution or subsidiary of a financial institution to operate a*
98 *passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated*
99 *areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the*
100 *Commonwealth.* For purposes of supplying its airplanes, as well as any airplanes of a licensed express
101 carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to
102 load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in
103 close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air
104 carrier and any such licensed express carrier. The air carrier licensee shall ~~(i)~~ (a) designate for purposes
105 of its license all locations where the inventory of alcoholic beverages may be stored and from which the
106 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express
107 carrier and ~~(ii)~~ (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by
108 its authorized representative. The granting of a license pursuant to this subdivision shall automatically
109 authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or
110 in closed containers for off-premises consumption; however, the licensee shall be required to pay the
111 local fee required for such additional license pursuant to § 4.1-233.1.

112 *For the purposes of this subdivision:*

113 *"Financial institution" means any bank, trust company, savings institution, industrial loan*
114 *association, consumer finance company, or credit union.*

115 *"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons*
116 *by the applicable airport authority in which food and beverage services are provided to ticketed*
117 *passengers.*

118 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell
119 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans,
120 during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in
121 all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for

on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

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

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

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

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

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

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

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

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

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide

183 long-term lease, management, or concession agreement, the original term of which was more than one
184 year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the
185 dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the
186 licensed premises approved by the Board.

187 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
188 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
189 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
190 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
191 beverage caterer at the same business premises designated in the license, with a common alcoholic
192 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
193 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
194 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to
195 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
196 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
197 licensee shall be required to pay the local fee required for such additional license pursuant to
198 § 4.1-233.1.

199 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in
200 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
201 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
202 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
203 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
204 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
205 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"
206 includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more
207 than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor
208 dining areas are under the control of the licensee and approved by the Board. Such noncontiguous
209 designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of
210 § 4.1-201.

211 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under
212 § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the
213 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide
214 member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any
215 bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in
216 any way by the licensee. The privileges of this license shall be limited to the premises of the museum,
217 regularly occupied and utilized as such.

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

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

240 13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve
241 mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such
242 license may be granted only to persons operating a business (i) that is primarily engaged in the sale of
243 meals; (ii) that is located on property owned by the United States government or an agency thereof and
244 used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale

of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall 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 in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

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

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident

306 may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic
307 beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other
308 designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises,
309 which may have more than one means of ingress and egress to an adjacent public thoroughfare,
310 provided that such outdoor dining areas are under the control of the licensee and approved by the Board.
311 Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to
312 subdivision A 5 of § 4.1-201.

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

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

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

330 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
331 during the performance of any event to patrons within all seating areas, concourses, walkways, or
332 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
333 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
334 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his
335 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
336 license. Such licenses may be granted to persons operating food concessions at any outdoor performing
337 arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is
338 located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more
339 than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania,
340 or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than
341 9,500 persons and is located in Henrico County.

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

354 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events
355 to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
356 dining areas, and such additional locations designated by the Board in such facilities, for on-premises
357 consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this
358 subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such
359 licenses may be granted to persons operating concert or dinner-theater venues on property fronting
360 Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High
361 School.

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

367 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises

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

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

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

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

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

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

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. 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. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee 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. 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.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable

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

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

448 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
449 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
450 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
451 any permanent retail on-premises licensee that is located within the area designated by the Board for the
452 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
453 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
454 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
455 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
456 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16
457 events per year, and the duration of any event shall not exceed three consecutive days. However, the
458 Board may increase the frequency and duration of events after adoption of an ordinance by a locality
459 requesting such increase in frequency and duration. Such ordinance shall include the size and scope of
460 the area within which such events will be held, a public safety plan, and any other considerations
461 deemed necessary by the Board. Such limitations on the number of events that may be held shall not
462 apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State
463 Health Commissioner to meet a public health emergency and that effectively reduces allowable
464 restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all
465 other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board
466 regarding the days and times during which the privileges of the license will be exercised. Only alcoholic
467 beverages purchased from permanent retail on-premises licensees located within the designated area may
468 be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
469 disposable containers that clearly display the name or logo of the retail on-premises licensee from which
470 the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way
471 by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee
472 shall post appropriate signage clearly demarcating for the public the boundaries of the event; however,
473 no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee
474 shall provide adequate security for the event to ensure compliance with the applicable provisions of this
475 subtitle and Board regulations.

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

485 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and
486 steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
487 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However,
488 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this
489 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,
490 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.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) 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 consumption in dining areas and other designated areas of such restaurant. 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

552 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include
553 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas
554 may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such
555 areas are under the control of the licensee and approved by the Board. Such noncontiguous designated
556 areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

567 If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club
568 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in
569 another city with which it has an agreement for reciprocal dining privileges, such license shall also
570 authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell
571 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or
572 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no
573 food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and
574 located on another portion of the premises of the same hotel or motel building, this fact shall not
575 prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's
576 gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its
577 members and guests and consumed on the premises shall amount to at least 45 percent of its gross
578 receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club
579 shall be excluded in any consideration of the qualifications of such restaurant for a license from the
580 Board.

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

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

595 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an
596 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage
597 restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on
598 the licensed premises of the restaurant during all hours of operation of the mixed beverage casino
599 licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of
600 the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board,
601 after consultation with the mixed beverage casino licensee. Designated areas may include any areas on
602 the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms,
603 private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant
604 pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable
605 container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was
606 purchased.

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

611 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the
612 business of providing food and beverages to others for service at private gatherings or at special events,
613 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption.

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

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

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

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

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

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

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable

675 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
676 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by
677 the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and
678 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
679 licensee shall be required to pay the local fee required for such additional license pursuant to
680 § 4.1-233.1. Such licenses may be granted to the following:

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

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

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

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

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

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

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

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

719 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
720 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
721 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
722 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
723 beverage caterer at the same business premises designated in the license, with a common alcoholic
724 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
725 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
726 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to
727 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
728 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
729 licensee shall be required to pay the local fee required for such additional license pursuant to
730 § 4.1-233.1.

731 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in
732 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
733 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
734 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
735 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
736 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas

of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

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

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

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

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

798 authorize the licensee to sell alcoholic beverages during scheduled events and performances for
799 on-premises consumption in areas upon the licensed premises approved by the Board.

800 15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed
801 beverages for on-premises consumption in areas designated by the Board, after consultation with the
802 mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food
803 prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for
804 on-premises consumption in private areas or restricted access areas designated by the Board, after
805 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the
806 premises of the mixed beverage casino licensee, including entertainment venues, private rooms,
807 conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this
808 subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for
809 on-premises consumption and in closed containers for off-premises consumption in accordance with the
810 provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay
811 the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or
812 regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as
813 set forth in this subdivision during all hours of operation of the casino gaming establishment; however,
814 such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and
815 6 a.m.

816 A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed
817 containers for personal consumption off the licensed premises or in areas designated by the Board, after
818 consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty
819 or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises
820 consumption. A summary of the operation of such loyalty or reward credit program shall be provided to
821 the Board upon request.

822 A mixed beverage casino license may only be issued to a casino gaming establishment owned by an
823 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

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

825 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed
826 containers for off-premises consumption or (ii) for on-premises consumption, either with or without
827 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest
828 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and
829 areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may
830 authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed
831 appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and
832 consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to
833 persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or
834 areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed
835 on the premises, provided that at least one meal is provided each day by the hotel to such guests. With
836 regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as
837 continuing care communities that are also licensed by the Board under this subdivision, any resident
838 may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic
839 beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other
840 designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises,
841 which may have more than one means of ingress and egress to an adjacent public thoroughfare,
842 provided that such outdoor dining areas are under the control of the licensee and approved by the Board.
843 Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to
844 subdivision A 5 of § 4.1-201.

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

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

854 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer
855 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,
856 walkways, concession areas, and additional locations designated by the Board (i) in closed containers for
857 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
858 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
859 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.

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

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

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

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

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,

921 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
922 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

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

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

928 1. Per-day event licenses.

929 a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit
930 corporations or associations in charge of special events, which shall authorize the licensee to sell or give
931 wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption
932 in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers
933 (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for
934 off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no
935 more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online
936 meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to
937 persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be
938 required for each day of each banquet or special event. For the purposes of this subdivision, when the
939 location named in the original application for a license is outdoors, the application may also name an
940 alternative location in the event of inclement weather. However, no such license shall be required of any
941 hotel, restaurant, or club holding a retail wine and beer license.

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

946 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
947 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members
948 and their guests in areas approved by the Board on the club premises. A separate license shall be
949 required for each day of each club event. No more than 12 such licenses shall be granted to a club in
950 any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize
951 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,
952 the licensee shall be required to pay the local fee required for such additional license pursuant to
953 § 4.1-233.1.

954 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
955 of the type specified in the license in designated areas at events held by the licensee. A tasting license
956 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
957 beverages being tasted. A separate license shall be required for each day of each tasting event. No
958 tasting license shall be required for conduct authorized by § 4.1-201.1.

959 2. Annual licenses.

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

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

980 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
981 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
982 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)

any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, 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 designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of 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, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle 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 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 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle 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;

1044 (c) the amount of time that the business has been in operation; and (d) any other requirements deemed
1045 necessary by the Board to protect the public health, safety, and welfare.

1046 F. The Board may grant the following shipper, bottler, and related licenses:

1047 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in
1048 § 4.1-209.1.

1049 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the
1050 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in
1051 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for
1052 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale
1053 requirement established by Board regulations.

1054 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments
1055 of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board
1056 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under
1057 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii)
1058 persons outside the Commonwealth for resale outside the Commonwealth.

1059 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a
1060 place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer
1061 owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the
1062 owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with
1063 Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the
1064 Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any
1065 financial interest, direct or indirect, in the business for which any fulfillment warehouse license is
1066 issued.

1067 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized
1068 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place
1069 of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive
1070 orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom
1071 wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon
1072 receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer
1073 shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the
1074 shipper.

1075 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in
1076 § 4.1-212.2.

1077 **2. That an emergency exists and this act is in force from its passage.**