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HOUSE BILL NO. 2178

House Amendments in [ ] — January 27, 1997

A BILL to amend and reenact §§ [ 4.1-206, 4.1-208, 4.1-208 ] and 4.1-209 of the Code of Virginia, relating to alcoholic beverage control; licenses.

Patron—Rust

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ [ 4.1-206, 4.1-208, 4.1-208 ] and 4.1-209 of the Code of Virginia are amended and reenacted as follows:

[ § 4.1-206. Alcoholic beverage licenses.

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

2. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

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

4. Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

5. 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. This subdivision shall not be construed to prevent the licensee from selling or giving samples of alcoholic beverages manufactured by multiple manufacturers at the same event provided the samples are otherwise given and sold in accordance with the terms of the license. ]

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale, only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

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

3. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship it, in accordance with Board regulations, in closed

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60 containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the  
61 purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of  
62 call of a foreign country or another state and (iii) persons outside the Commonwealth for resale outside  
63 the Commonwealth.

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

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

71 5. Retail on-premises beer licenses to:

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

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

79 c. Persons operating boats for which certificates as a sight-seeing carrier by boat, or a special or  
80 charter party by boat have been issued by the Department of Motor Vehicles pursuant to § 46.2-2607,  
81 which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by  
82 them for on-premises consumption when carrying passengers.

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

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

95 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar  
96 facility which (i) has seating for more than 20,000 persons and is located in any county with a  
97 population between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000  
98 or (ii) has seating for more than 3,500 persons and is located in any county with a population between  
99 65,000 and 70,000. Such license shall authorize the licensee to sell beer during the performance of any  
100 event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses,  
101 walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the  
102 licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the  
103 premises in all areas and locations covered by the license.

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

114 6. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed  
115 containers for off-premises consumption and to deliver or ship the beer to purchasers in accordance with  
116 Board regulations.

117 7. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 5 a and d, which  
118 shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall  
119 authorize the licensee to sell beer in closed containers for off-premises consumption and to deliver or  
120 ship the beer to purchasers in accordance with Board regulations.

121 § 4.1-209. Wine and beer licenses.

122 The Board may grant the following licenses relating to wine and beer:

123 1. Retail on-premises wine and beer licenses to:

124 a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with  
125 or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas,  
126 private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such  
127 rooms and areas. However, with regard to a hotel classified by the Board as a resort complex, the Board  
128 may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex  
129 deemed appropriate by the Board;

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

133 c. Persons operating boats for which certificates as a sight-seeing carrier by boat, or a special or  
134 charter party by boat have been issued by the Department of Motor Vehicles pursuant to § 46.2-2607,  
135 which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats  
136 operated by them for on-premises consumption when carrying passengers;

137 d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or  
138 intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by  
139 passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated  
140 rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding;

141 e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for  
142 their on-premises consumption only in such rooms, provided the consent of the patient's attending  
143 physician is first obtained;

144 f. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize  
145 the licensee to sell wine and beer in paper, plastic or similar disposable containers, during the  
146 performance of professional sporting exhibitions, events or performances immediately subsequent thereto,  
147 to patrons within all seating areas, concourses, walkways, concession areas and additional locations  
148 designated by the Board in such coliseums, stadia or similar facilities, for on-premises consumption.  
149 Upon authorization of the licensee, any person may keep and consume his own lawfully acquired  
150 alcoholic beverages on the premises in all areas and locations covered by the license;

151 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar  
152 facility which (i) has seating for more than 20,000 persons and is located in any county with a  
153 population between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000  
154 or (ii) has seating for more than 3,500 persons and is located in any county with a population between  
155 65,000 and 70,000. Such license shall authorize the licensee to sell wine and beer during the  
156 performance of any event, in paper, plastic or similar disposable containers to patrons within all seating  
157 areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon  
158 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic  
159 beverages on the premises in all areas and locations covered by the license; and

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

170 2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer  
171 in closed containers for off-premises consumption and to deliver or ship the same to purchasers in  
172 accordance with Board regulations.

173 3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed  
174 containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any  
175 person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed one ounce by  
176 volume or (ii) a sample of beer not to exceed two ounces by volume, for on-premises consumption.

177 4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in  
178 closed containers for off-premises consumption.

179 5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which  
180 shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition,  
181 shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and  
182 to deliver or ship the same to the purchasers, in accordance with Board regulations.

183 6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or  
184 associations in charge of special events, which shall authorize the licensee to sell or give wine and beer  
185 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms  
186 or areas. A separate license shall be required for each day of each banquet or special event. However,  
187 no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

188 7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within  
189 the interior premises of the gift shop in closed containers for off-premises consumption and to deliver or  
190 ship the wine and beer to purchasers in accordance with Board regulations.

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