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HOUSE BILL NO. 2329

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 22, 1997)

(Patron Prior to Substitute—Delegate Keating)

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

Be it enacted by the General Assembly of Virginia:

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

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

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

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

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

5. Retail on-premises beer licenses to:

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

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

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

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

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

60 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar
61 facility which (i) has seating for more than 20,000 persons and is located in any county with a
62 population between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000
63 or (ii) has seating for more than 3,500 persons and is located in any county with a population between
64 65,000 and 70,000. Such license shall authorize the licensee to sell beer during the performance of any
65 event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses,
66 walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the
67 licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the
68 premises in all areas and locations covered by the license.

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

72 7. *Retail off-premises brewery licenses to persons holding a brewery license which shall authorize*
73 *the licensee to (i) sell beer at the place of business designated in the brewery license, in closed*
74 *containers which shall include growlers and other reusable containers, for off-premises consumption and*
75 *(ii) deliver or ship the beer to purchasers in accordance with Board regulations.*

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