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HOUSE BILL NO. 1720

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 1, 2013)

(Patron Prior to Substitute—Delegate Head)

A BILL to amend and reenact § 4.1-304 of the Code of Virginia, relating to alcoholic beverage control; proof of legal age required; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-304 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-304. Persons to whom alcoholic beverages may not be sold; proof of legal age; penalty.

A. No person shall, except pursuant to subdivisions 1 through 5 of § 4.1-200, sell any alcoholic beverages to any ~~person~~ individual when at the time of such sale he knows or has reason to believe that the ~~person~~ individual to whom the sale is made is (i) less than ~~twenty-one~~ 21 years of age, (ii) interdicted, or (iii) intoxicated. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

B. Any person who sells, except pursuant to subdivisions 1 through 5 of § 4.1-200, any alcoholic beverage to an individual who is less than 21 years of age and at the time of the sale does not require the individual to present bona fide evidence of legal age indicating that the individual is 21 years of age or older is guilty of a violation of this subsection. Bona fide evidence of legal age is limited to any evidence that is or reasonably appears to be an unexpired driver's license issued by any state of the United States or the District of Columbia, military identification card, United States passport or foreign government visa, unexpired special identification card issued by the Department of Motor Vehicles, or any other valid government-issued identification card bearing the individual's photograph, signature, height, weight, and date of birth, which reasonably appears to match the appearance, height, weight and age of the purchaser and shall not include any student identification card. Any person convicted of a violation of this ~~section~~ shall be subsection is guilty of a Class 4 3 misdemeanor. Notwithstanding the provisions of § 4.1-202, the Board shall not take administrative action against a licensee for the conduct of his employee who violates this subsection.

C. No person shall be convicted of both subsections A and B for the same sale.

HOUSE SUBSTITUTE

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