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HOUSE BILL NO. 1645

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 5, 2015)

(Patron Prior to Substitute—Delegate Pogge)

A BILL to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; bed and breakfast licenses.

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-206 of the Code of Virginia is 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. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

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

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. No tasting license shall be required for conduct authorized by § 4.1-201.1.

6. 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.

7. 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,

60 alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this
61 license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian,
62 hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

63 8. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully
64 acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii)
65 serve wine or beer on the premises of the licensee to any such bona fide customer; however, the
66 licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any
67 such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served
68 or consumed. The privileges of this license shall be limited to the premises of the day spa regularly
69 occupied and utilized as such.

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

76 10. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the
77 premises of the licensee to any such bona fide customer attending either a private gathering or a special
78 event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce
79 glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the
80 wine or beer served or consumed. The privileges of this license shall be limited to the premises of the
81 meal-assembly kitchen regularly occupied and utilized as such.

82 11. Canal boat operator license, which shall authorize the licensee to permit the consumption of
83 lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer
84 attending either a private gathering or a special event; however, the licensee shall not sell or otherwise
85 charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license
86 shall be limited to the premises of the licensee, including the canal, the canal boats while in operation,
87 and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and
88 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
89 covered by the license.

90 12. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the
91 licensee participating in a community art walk that is open to the public to serve lawfully acquired wine
92 or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic
93 beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the
94 licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any
95 one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue
96 regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.