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**HOUSE BILL NO. 559**

Offered January 10, 2024

Prefiled January 9, 2024

*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 performing arts facility license; Pulaski County.*

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Patrons—Ballard and Helmer

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Referred to Committee on General Laws

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**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 licensees 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

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59 shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross  
60 receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or  
61 for on-premises consumption in areas upon the licensed premises approved by the Board and other  
62 designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit  
63 the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight  
64 lodging is being provided in bedrooms and private guest rooms.

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

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

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

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

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

114 For the purposes of this subdivision:

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

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

120 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 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 or in Pulaski County, 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 (i) has seating for more than 5,000 persons and is located in the City of Alexandria or the

182 City of Portsmouth *or* (ii) *has seating for more than 500 persons or an overall capacity for more than*  
183 *2,500 persons and is located in Pulaski County; or*

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

190 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any  
191 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to  
192 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and  
193 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed  
194 beverage caterer at the same business premises designated in the license, with a common alcoholic  
195 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the  
196 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision  
197 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to  
198 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and  
199 beer for on-premises consumption or in closed containers for off-premises consumption; however, the  
200 licensee shall be required to pay the local fee required for such additional license pursuant to  
201 § 4.1-233.1.

202 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in  
203 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is  
204 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and  
205 without regard to the amount of gross receipts from the sale of food prepared and consumed on the  
206 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom  
207 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas  
208 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"  
209 includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more  
210 than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor  
211 dining areas are under the control of the licensee and approved by the Board. Such noncontiguous  
212 designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of  
213 § 4.1-201.

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

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

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

243 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 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

305 areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed  
306 on the premises, provided that at least one meal is provided each day by the hotel to such guests. With  
307 regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as  
308 continuing care communities that are also licensed by the Board under this subdivision, any resident  
309 may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic  
310 beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other  
311 designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises,  
312 which may have more than one means of ingress and egress to an adjacent public thoroughfare,  
313 provided that such outdoor dining areas are under the control of the licensee and approved by the Board.  
314 Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to  
315 subdivision A 5 of § 4.1-201.

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

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

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

333 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer  
334 during the performance of any event to patrons within all seating areas, concourses, walkways, or  
335 concession areas, or other areas approved by the Board (i) in closed containers for off-premises  
336 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for  
337 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his  
338 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the  
339 license. Such licenses may be granted to persons operating food concessions at any outdoor performing  
340 arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is  
341 located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more  
342 than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania,  
343 or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than  
344 9,500 persons and is located in Henrico County.

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

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

365 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or  
366 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, 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

428 beverages being tasted. A separate license shall be required for each day of each tasting event. No  
429 tasting license shall be required for conduct authorized by § 4.1-201.1.

430 2. Annual licenses.

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

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

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

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

488 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and  
489 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; (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

551 beverages for consumption in dining areas and other designated areas of such restaurant. Such license  
552 may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale  
553 of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the  
554 premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale  
555 of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include  
556 outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas  
557 may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such  
558 areas are under the control of the licensee and approved by the Board. Such noncontiguous designated  
559 areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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

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

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

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

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

610 The granting of a license pursuant to this subdivision shall automatically authorize the licensee to  
611 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers  
612 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.

2. Mixed beverage 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, 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 (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 (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 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 or in Pulaski County, 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 (i) has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth or (ii) has seating for more than 2,500 persons and is located in Pulaski County; or

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

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. 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.

9. 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.

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

797 with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events  
798 conducted on the premises of a museum for historic interpretation that is owned and operated by the  
799 locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a  
800 bona fide lease, the original term of which was for more than one year's duration. Such license shall  
801 authorize the licensee to sell alcoholic beverages during scheduled events and performances for  
802 on-premises consumption in areas upon the licensed premises approved by the Board.

803 15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed  
804 beverages for on-premises consumption in areas designated by the Board, after consultation with the  
805 mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food  
806 prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for  
807 on-premises consumption in private areas or restricted access areas designated by the Board, after  
808 consultation with the mixed beverage casino licensee. Designated areas may include any areas on the  
809 premises of the mixed beverage casino licensee, including entertainment venues, private rooms,  
810 conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this  
811 subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for  
812 on-premises consumption and in closed containers for off-premises consumption in accordance with the  
813 provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay  
814 the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or  
815 regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as  
816 set forth in this subdivision during all hours of operation of the casino gaming establishment; however,  
817 such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and  
818 6 a.m.

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

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

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

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

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

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

857 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer  
858 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,

walkways, concession areas, and additional locations designated 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 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

920 pouring of samples. The licensee shall comply with any food inventory and sales volume requirements  
921 established by Board regulation.

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

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

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

931 1. Per-day event licenses.

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

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

949 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall  
950 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members  
951 and their guests in areas approved by the Board on the club premises. A separate license shall be  
952 required for each day of each club event. No more than 12 such licenses shall be granted to a club in  
953 any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize  
954 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,  
955 the licensee shall be required to pay the local fee required for such additional license pursuant to  
956 § 4.1-233.1.

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

962 2. Annual licenses.

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

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



medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic 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

1043 that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine  
1044 and beer to be served from a licensed wholesaler or the Authority and retain purchase records as  
1045 prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider  
1046 (a) the average amount of time customers spend at the business; (b) the business's hours of operation;  
1047 (c) the amount of time that the business has been in operation; and (d) any other requirements deemed  
1048 necessary by the Board to protect the public health, safety, and welfare.

1049 F. The Board may grant the following shipper, bottler, and related licenses:

1050 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in  
1051 § 4.1-209.1.

1052 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the  
1053 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in  
1054 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for  
1055 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
1056 requirement established by Board regulations.

1057 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments  
1058 of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board  
1059 regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under  
1060 the laws of the United States sailing for ports of call of a foreign country or another state, and (iii)  
1061 persons outside the Commonwealth for resale outside the Commonwealth.

1062 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a  
1063 place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer  
1064 owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the  
1065 owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with  
1066 Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the  
1067 Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any  
1068 financial interest, direct or indirect, in the business for which any fulfillment warehouse license is  
1069 issued.

1070 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized  
1071 under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place  
1072 of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive  
1073 orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom  
1074 wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon  
1075 receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer  
1076 shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the  
1077 shipper.

1078 6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in  
1079 § 4.1-212.2.