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HOUSE BILL NO. 2178

Offered January 16, 1997

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

Patron—Rust

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

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

§ 4.1-206. Alcoholic beverage licenses.

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

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

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

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

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

5. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. *This subdivision shall not be construed to prevent the licensee from selling or giving samples of alcoholic beverages manufactured by multiple manufacturers at the same event provided the samples are otherwise given and sold in accordance with the terms of the license.*

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

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

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

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

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

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

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

71 5. Retail on-premises beer licenses to:

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

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

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

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

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

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

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

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

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

121 § 4.1-209. Wine and beer licenses.

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

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

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as 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;

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

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

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

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

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

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

h. 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 which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers 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, 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. For purposes of this subsection, "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.

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

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

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

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

183 6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or
184 associations in charge of special events, which shall authorize the licensee to sell or give wine and beer
185 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
186 or areas. A separate license shall be required for each day of each banquet or special event. However,
187 no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.
188 7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within
189 the interior premises of the gift shop in closed containers for off-premises consumption and to deliver or
190 ship the wine and beer to purchasers in accordance with Board regulations.
191 8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
192 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
193 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
194 off-premises consumption in accordance with subdivision 6 of § 4.1-200.