

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 4.1-111 of the Code of Virginia, relating to alcoholic beverage control;*
3 *hearing decisions.*

4 [H 2195]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 4.1-111 of the Code of Virginia is amended and reenacted as follows:**

8 § 4.1-111. Regulations of Board.

9 A. The Board may promulgate reasonable regulations, not inconsistent with this title or the general
10 laws of the Commonwealth, which it deems necessary to carry out the provisions of this title and to
11 prevent the illegal manufacture, bottling, sale, distribution and transportation of alcoholic beverages. The
12 Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or
13 repealed in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) and shall have the effect
14 of law.

15 B. The Board shall promulgate regulations which:

16 1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or
17 consumed on any licensed premises, including a provision that mixed beverages may be sold only at
18 such times as wine and beer may be sold.

19 2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served
20 by such licensee.

21 3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers,
22 brokers, importers and wholesalers in accordance with § 4.1-216 and in consideration of the established
23 trade customs, quantity and value of the articles or services involved; prevent undue competitive
24 domination of any person by any other person engaged in the manufacture, distribution and sale at retail
25 or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of
26 arm's length business transactions.

27 4. Establish requirements for the form, content, and retention of all records and accounts, including
28 the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in
29 kegs, by all licensees.

30 5. *Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer*
31 *within thirty days of the date the notice of the decision is sent. The notice shall be sent to the licensee*
32 *at the address on record with the Board by certified mail, returned receipt requested and by regular*
33 *mail.*

34 C. The Board may promulgate regulations which provide for the waiver of the license tax for an
35 applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be
36 provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no
37 profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit
38 with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be
39 limited to two events per year for each applicant.

40 D. Board regulations shall be uniform in their application, except those relating to hours of sale for
41 licensees.

42 E. Courts shall take judicial notice of Board regulations.

43 F. The Board's power to regulate shall be broadly construed.

ENROLLED

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