

25104247D

HOUSE BILL NO. 1981

Offered January 13, 2025

Prefiled January 7, 2025

A *BILL to amend and reenact § 4.1-320 of the Code of Virginia, relating to alcoholic beverage control; illegal advertising; exceptions; charitable sales promotion.*

Patron—Helmer

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-320 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-320. Illegal advertising; penalty; exceptions.

A. Except in accordance with this subtitle and Board regulations, no person shall advertise in or send any advertising matter into the Commonwealth about or concerning alcoholic beverages other than those which may legally be manufactured or sold without a license.

B. Manufacturers, wholesalers, and retailers may engage in the display of outdoor alcoholic beverage advertising on lawfully erected signs provided such display is done in accordance with § 4.1-112.2 and Board regulations.

C. Except as provided in subsection D, any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

D. For violations of § 4.1-112.2 relating to distance and zoning restrictions on outdoor advertising, the Board shall give the advertiser written notice to take corrective action to either bring the advertisement into compliance with this subtitle and Board regulations or to remove such advertisement. If corrective action is not taken within 30 days, the advertiser shall be guilty of a Class 4 misdemeanor.

E. Neither this section nor any Board regulation shall prohibit (i) the awarding of watches of a wholesale value of less than \$100 by a licensed distillery, winery or brewery, to participants in athletic contests; (ii) the exhibition or display of automobiles, boats, or aircraft regularly and normally used in racing or other competitive events and the sponsorship of an automobile, boat or aircraft racing team by a licensed distillery, winery or brewery and the display on the automobile, boat or aircraft and uniforms of the members of the racing team, the trademark or brand name of an alcoholic beverage manufactured by such distillery, winery or brewery; (iii) the sponsorship of a professional athletic event, including, but not limited to, golf, auto racing or tennis, by a licensed distillery, winery or brewery or the use of any trademark or brand name of any alcoholic beverage in connection with such sponsorship; (iv) the advertisement of beer by the display of such product's name on any airship, which advertising is paid for by the manufacturer of such product; (v) the advertisement of beer or any alcoholic beverage by the display of such product's name on any scale model, reproduction or replica of any motor vehicle, aircraft or watercraft offered for sale; (vi) the placement of billboard advertising within stadia, coliseums, or racetracks that are used primarily for professional or semiprofessional athletic or sporting events; or (vii) the sponsorship of an entertainment or cultural event.

F. *Notwithstanding the provisions of this section or any Board regulation, a licensed distillery, winery, or brewery may advertise in or send any advertising matter into the Commonwealth about or concerning alcoholic beverages for the purposes of a charitable sales promotion, as defined in § 57-48, to benefit (i) a charitable or civic organization, as defined in § 57-48; (ii) an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code; or (iii) any public or private elementary or secondary school or institution of higher education, regardless of whether such charitable sales promotion advertises that a percentage of each sale or per product sold will benefit such organization, school, or institution.*

INTRODUCED

HB1981