

25101328D

**HOUSE BILL NO. 2058**

Offered January 13, 2025

Prefiled January 7, 2025

*A BILL to amend and reenact § 4.1-212.1, as it is currently effective and as it shall become effective, of the Code of Virginia and to repeal the first, second, and fourth enactments of Chapters 105 and 159 of the Acts of Assembly of 2024, relating to alcoholic beverage control; delivery of mixed beverages; repeal.*

Patron—Krizek

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1-212.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

**§ 4.1-212.1. (Effective until July 1, 2026) Delivery of wine and beer; kegs; regulations of Board.**

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by either (i) the owner or any officer, director, shareholder, or employee of the licensee or permittee or (ii) a third party delivery licensee pursuant to § 4.1-212.2. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall (a) be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; (b) display

59 the name of the licensee from which the alcoholic beverages were purchased; (c) be clearly marked with the  
 60 phrase "contains alcoholic beverages"; (d) in the case of wine, beer, or, if purchased from a mixed beverage  
 61 restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16  
 62 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is  
 63 rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in  
 64 a compartment behind the bicyclist.

65 The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of  
 66 this section. Such regulations shall include provisions that require (A) the recipient to demonstrate, upon  
 67 delivery, that he is at least 21 years of age and (B) the recipient to sign an electronic or paper form or other  
 68 acknowledgement of receipt as approved by the Board.

69 G. In addition to other applicable requirements set forth in this section, the following provisions shall  
 70 apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages  
 71 pursuant to this section:

72 1. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any  
 73 one time; ~~and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for~~  
 74 ~~off-premises consumption or deliver more than four mixed beverages at any one time;~~

75 2. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or  
 76 limited mixed beverage restaurant licensee shall contain at least one mixer; and

77 3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal  
 78 , *as defined pursuant to this subtitle and Board regulations*, with every *off-premises mixed beverage sale*.  
 79 *Each meal shall permit up to two mixed beverages to be sold for off-premises consumption or delivered. In*  
 80 *any event, no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for*  
 81 *off-premises consumption or deliver more than four mixed beverages at any one time.*

82 The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for  
 83 off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any  
 84 summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of §  
 85 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice  
 86 of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the  
 87 licensee's residence or the address listed for the licensed premises on the initial license application.

88 H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery  
 89 of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee  
 90 or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the  
 91 Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

92 I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption  
 93 may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may  
 94 impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any  
 95 document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be  
 96 affixed to kegs, and displays a registration number and such other information as may be prescribed by the  
 97 Board.

98 **§ 4.1-212.1. (Effective July 1, 2026) Delivery of wine and beer; kegs; regulations of Board.**

99 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized  
 100 to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer,  
 101 wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to  
 102 consumers within the Commonwealth for personal off-premises consumption.

103 B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth,  
 104 and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is  
 105 authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises  
 106 consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a  
 107 person's vehicle if located in a designated parking area of the licensee's premises where such person has  
 108 electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may  
 109 be permitted by Board regulation.

110 C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-  
 111 premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply  
 112 for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is  
 113 authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for  
 114 personal off-premises consumption.

115 D. *Any person licensed to sell mixed beverages at retail for off-premises consumption in the*  
 116 *Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers*  
 117 *within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to*  
 118 *the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of*  
 119 *the licensee's premises where such person has electronically ordered mixed beverages in advance of the*

120 delivery or (ii) such other locations as may be permitted by Board regulation.

121 E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119  
122 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the  
123 distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119  
124 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to  
125 (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has  
126 electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be  
127 permitted by Board regulation.

128 F. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and  
129 not for resale. ~~All such~~ Such deliveries of beer, wine, or farm wine shall be performed by the owner or any  
130 officer, director, shareholder, or employee of the licensee or permittee. The licensee performing the delivery  
131 shall be liable for any administrative violations of this section or § 4.1-304 committed during transport  
132 through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00  
133 a.m. Only one individual may take possession of the ~~beer, wine, or farm wine~~ alcoholic beverages during the  
134 course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at  
135 one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the  
136 licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies  
137 the Authority in writing at least one business day in advance of any such delivery, which notice contains the  
138 name and address of the intended recipient. Except as otherwise provided in this subtitle, ~~wine or beer~~  
139 alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the  
140 manufacturer's original sealed container shall (i) be enclosed in a container that has no straw holes or other  
141 openings and is sealed in a manner that allows a person to readily discern whether the container has been  
142 opened or tampered with subsequent to its original closure; (ii) display the name of the licensee from which  
143 the ~~wine or beer was~~ alcoholic beverages were purchased; (iii) be clearly marked with the phrase "contains  
144 alcoholic beverages"; (iv) have a maximum volume of 16 ounces per beverage; and (v) during delivery, be  
145 stored (a) in the trunk of the vehicle, (b) in an area that is rear of the driver's seat, (c) in a locked container or  
146 compartment, or (d) in the case of delivery by bicycle, in a compartment behind the bicyclist.

147 The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of  
148 this section. Such regulations shall include provisions that require (1) the recipient to demonstrate, upon  
149 delivery, that he is at least 21 years of age and (2) the recipient to sign an electronic or paper form or other  
150 acknowledgement of receipt as approved by the Board.

151 ~~E.~~ G. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each  
152 delivery of wine ~~or~~, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia.  
153 The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes  
154 monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already  
155 been paid.

156 ~~F.~~ H. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises  
157 consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The  
158 Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal"  
159 means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board,  
160 designed to be affixed to kegs, and displays a registration number and such other information as may be  
161 prescribed by the Board.

162 ~~G.~~ I. In addition to other applicable requirements set forth in this section, the following provisions shall  
163 apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages  
164 pursuant to this section:

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166 one time; ~~and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for~~  
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169 limited mixed beverage restaurant licensee shall contain at least one mixer; and

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173 any event, no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for  
174 off-premises consumption or deliver more than four mixed beverages at any one time.

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176 off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any  
177 summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of §  
178 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice  
179 of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the  
180 licensee's residence or the address listed for the licensed premises on the initial license application.

181 **2. That the first, second, and fourth enactments of Chapters 105 and 159 of the Acts of Assembly of**

**182 2024 are repealed.**