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HOUSE BILL NO. 2342

Offered January 13, 2025

Prefiled January 8, 2025

A *BILL to amend and reenact §§ 4.1-206.3 and 4.1-231.1, as they are currently effective and as they shall become effective, and 4.1-233.1 of the Code of Virginia, relating to alcoholic beverage control; confectionery mixed beverage retail license.*

 Patron—Batten (By Request)

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-206.3 and 4.1-231.1, as they are currently effective and as they shall become effective, and 4.1-233.1 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-206.3. (Effective until July 1, 2026) 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 shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the

59 sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises
60 consumption in areas upon the licensed premises approved by the Board and other designated areas of the
61 resort, including outdoor areas under the control of the licensee, and (B) permit the possession and
62 consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being
63 provided in bedrooms and private guest rooms.

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

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

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

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

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

110 For the purposes of this subdivision:

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

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

115 5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions
116 at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and
117 immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas,
118 and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii)
119 in paper, plastic, or similar disposable containers or in single original metal cans for on-premises

120 consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully
 121 acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting
 122 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell
 123 and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption;
 124 however, the licensee shall be required to pay the local fee required for such additional license pursuant to §
 125 4.1-233.1.

126 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert
 127 wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be
 128 combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the
 129 restaurant or off-premises consumption. Such license may be granted only to persons who operate a
 130 restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any
 131 other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic
 132 beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to
 133 obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for
 134 off-premises consumption; however, the licensee shall be required to pay the local fee required for such
 135 additional license pursuant to § 4.1-233.1.

136 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell,
 137 on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers
 138 or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways,
 139 concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii)
 140 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
 141 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to
 142 pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to
 143 persons operating a performing arts facility or food concessions at a performing arts facility.

144 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or
 145 hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed
 146 beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize
 147 the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business
 148 premises designated in the license, with a common alcoholic beverage inventory for purposes of the
 149 restaurant and catering operations. Such licensee shall meet the separate food qualifications established for
 150 the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant
 151 to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the
 152 licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed
 153 containers for off-premises consumption; however, the licensee shall be required to pay the local fee required
 154 for such additional license pursuant to § 4.1-233.1.

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

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

172 11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association
 173 governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that
 174 is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom
 175 alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the
 176 commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses,
 177 walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle
 178 center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas.
 179 Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on
 180 the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in

181 paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the
182 alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the
183 commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the
184 public the boundaries of the licensed premises; however, no physical barriers shall be required for this
185 purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the
186 applicable provisions of this subtitle and Board regulations.

187 12. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed
188 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be
189 granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is
190 located on property owned by the United States government or an agency thereof and used as a port of entry
191 to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared,
192 and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such
193 license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the
194 purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not
195 contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress
196 and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and
197 approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license
198 issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall
199 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
200 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to
201 pay the local fee required for such additional license pursuant to § 4.1-233.1.

202 13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or
203 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
204 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects
205 significant in American history and culture; (iii) persons operating an agricultural event and entertainment
206 park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other
207 livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls,
208 and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a
209 museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall
210 be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was
211 for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during
212 scheduled events and performances for on-premises consumption in areas upon the licensed premises
213 approved by the Board.

214 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed
215 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed
216 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and
217 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises
218 consumption in private areas or restricted access areas designated by the Board, after consultation with the
219 mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed
220 beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools,
221 marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to
222 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for
223 off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages;
224 however, the licensee shall be required to pay the local fee required for such additional license pursuant to §
225 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may
226 exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino
227 gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption
228 between the hours of 12 a.m. and 6 a.m.

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

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

237 15. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises
238 for on-and-off-premises consumption confectionery that contains five percent or less alcohol by volume. Any
239 alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold,
240 unless such confectionery is a frozen dessert. A licensee that sells frozen desserts shall be authorized to sell
241 such confectionery (i) in paper, plastic, or similar disposable containers or in an edible cone or bowl for

242 *on-premises consumption in all seating areas, concourses, walkways, and other areas upon the licensed*
 243 *premises approved by the Board and (ii) in closed, sealed containers for off-premises consumption. Any*
 244 *frozen dessert sold for off-premises consumption pursuant to this subdivision shall (a) be enclosed in a*
 245 *container that has no straw holes or other openings and is sealed in a manner that allows a person to readily*
 246 *discern whether the container has been opened or tampered with subsequent to its original closure; (b)*
 247 *display the name of the licensee from which the frozen dessert was purchased; and (c) be clearly marked with*
 248 *the phrase "contains alcoholic beverages."*

249 *For the purposes of this subdivision, "frozen dessert" means any dairy or non-dairy ice cream, custard,*
 250 *ice pop, popsicle, shaved ice, frozen yogurt, gelato, sorbet, or sherbet. "Frozen dessert" shall not include*
 251 *what is commonly known as a milkshake.*

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

253 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed
 254 containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in
 255 dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other
 256 designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with
 257 regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and
 258 consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board
 259 or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in
 260 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being
 261 provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross
 262 receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is
 263 provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter
 264 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board
 265 under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own
 266 lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this
 267 subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed
 268 premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare,
 269 provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such
 270 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A
 271 5 of § 4.1-201.

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

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

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

288 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during
 289 the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas,
 290 or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper,
 291 plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon
 292 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
 293 beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to
 294 persons operating food concessions at any performing arts facility.

295 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or
 296 attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such
 297 additional locations designated by the Board in such facilities (i) in closed containers for off-premises
 298 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-
 299 premises consumption. Upon authorization of the licensee, any person may keep and consume his own
 300 lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such
 301 licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention
 302 centers, or similar facilities located in any county operating under the urban county executive form of

303 government or any city that is completely surrounded by such county. For purposes of this subdivision,
 304 "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade
 305 shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

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

313 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without
 314 meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold,
 315 for on-premises consumption or in closed containers for off-premises consumption. The privileges of this
 316 license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

317 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
 318 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
 319 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of
 320 the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming
 321 public about historic beer products. The privileges of this license shall be limited to the premises of the
 322 museum, regularly occupied and utilized as such.

323 C. The Board may grant the following off-premises wine and beer licenses:

324 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store,
 325 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as
 326 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in
 327 closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to
 328 any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises
 329 consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more
 330 than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also
 331 give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring
 332 and educating the consuming public about the alcoholic beverages being tasted. With the consent of the
 333 licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives
 334 of such licensees may participate in such tastings, including the pouring of samples. The licensee shall
 335 comply with any food inventory and sales volume requirements established by Board regulation.

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

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

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

344 1. Per-day event licenses.

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

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

361 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall
 362 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and
 363 their guests in areas approved by the Board on the club premises. A separate license shall be required for each

364 day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The
365 granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license
366 to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay
367 the local fee required for such additional license pursuant to § 4.1-233.1.

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

373 2. Annual licenses.

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

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

393 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit
394 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within
395 the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-
396 premises licensee that is located within the area designated by the Board for the designated outdoor
397 refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area
398 designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses
399 not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the
400 designated area for the designated outdoor refreshment area, the Board shall consult with the locality.
401 Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any
402 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration
403 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.
404 Such ordinance shall include the size and scope of the area within which such events will be held, a public
405 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of
406 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is
407 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively
408 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall
409 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to
410 the Board regarding the days and times during which the privileges of the license will be exercised. Only
411 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area
412 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
413 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the
414 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the
415 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post
416 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical
417 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide
418 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board
419 regulations.

420 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or
421 charitable membership organizations that are exempt from state and federal taxation and in charge of
422 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
423 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place
424 designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per

425 calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee
426 to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall
427 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

428 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and
429 steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
430 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic
431 beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be
432 (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and
433 steeplechase events, and (ii) exercised on no more than four calendar days per year.

434 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee
435 participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the
436 premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not
437 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more
438 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges
439 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and
440 (ii) exercised on no more than 12 calendar days per year.

441 E. The Board may grant a marketplace license to persons operating a business enterprise of which the
442 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
443 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
444 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two
445 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer
446 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the
447 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to
448 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;
449 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager
450 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training
451 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed
452 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether
453 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the
454 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;
455 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and
456 welfare.

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

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

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

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

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

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

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

484 **§ 4.1-206.3. (Effective July 1, 2026) Retail licenses.**

485 A. The Board may grant the following mixed beverages licenses:

486 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed

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

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

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

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

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

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

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

548 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the

549 business of providing food and beverages to others for service at private gatherings or at special events,
550 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The
551 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages
552 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross
553 receipts from the sale of mixed beverages and food.

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

560 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat,
561 bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the
562 Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of
563 establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a
564 financial institution, or persons approved by the applicable airport authority that have entered into a contract
565 with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall
566 authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed
567 air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its
568 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier
569 licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to
570 transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages
571 will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier
572 licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages
573 may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and
574 any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored,
575 and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall
576 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
577 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to
578 pay the local fee required for such additional license pursuant to § 4.1-233.1.

579 For the purposes of this subdivision:

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

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

584 5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions
585 at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and
586 immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas,
587 and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii)
588 in paper, plastic, or similar disposable containers or in single original metal cans for on-premises
589 consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully
590 acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting
591 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell
592 and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption;
593 however, the licensee shall be required to pay the local fee required for such additional license pursuant to §
594 4.1-233.1.

595 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert
596 wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be
597 combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant.
598 Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such
599 wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of
600 the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this
601 subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for
602 on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall
603 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

604 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell,
605 on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers
606 or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways,
607 concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii)
608 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
609 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to

610 pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to
611 persons operating a performing arts facility or food concessions at a performing arts facility.

612 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or
613 hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed
614 beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize
615 the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business
616 premises designated in the license, with a common alcoholic beverage inventory for purposes of the
617 restaurant and catering operations. Such licensee shall meet the separate food qualifications established for
618 the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant
619 to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the
620 licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed
621 containers for off-premises consumption; however, the licensee shall be required to pay the local fee required
622 for such additional license pursuant to § 4.1-233.1.

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

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

640 11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association
641 governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that
642 is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom
643 alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the
644 commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses,
645 walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle
646 center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas.
647 Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on
648 the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in
649 paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the
650 alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the
651 commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the
652 public the boundaries of the licensed premises; however, no physical barriers shall be required for this
653 purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the
654 applicable provisions of this subtitle and Board regulations.

655 12. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed
656 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be
657 granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is
658 located on property owned by the United States government or an agency thereof and used as a port of entry
659 to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared,
660 and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such
661 license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the
662 purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not
663 contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress
664 and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and
665 approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license
666 issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall
667 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises
668 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to
669 pay the local fee required for such additional license pursuant to § 4.1-233.1.

670 13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or

671 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
 672 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects
 673 significant in American history and culture; (iii) persons operating an agricultural event and entertainment
 674 park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other
 675 livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls,
 676 and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a
 677 museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall
 678 be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was
 679 for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during
 680 scheduled events and performances for on-premises consumption in areas upon the licensed premises
 681 approved by the Board.

682 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed
 683 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed
 684 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and
 685 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises
 686 consumption in private areas or restricted access areas designated by the Board, after consultation with the
 687 mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed
 688 beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools,
 689 marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to
 690 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for
 691 off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages;
 692 however, the licensee shall be required to pay the local fee required for such additional license pursuant to §
 693 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may
 694 exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino
 695 gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption
 696 between the hours of 12 a.m. and 6 a.m.

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

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

705 15. *Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises*
 706 *for on-and-off-premises consumption confectionery that contains five percent or less alcohol by volume. Any*
 707 *alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold,*
 708 *unless such confectionery is a frozen dessert. A licensee that sells frozen desserts shall be authorized to sell*
 709 *such confectionery (i) in paper, plastic, or similar disposable containers or in an edible cone or bowl for*
 710 *on-premises consumption in all seating areas, concourses, walkways, and other areas upon the licensed*
 711 *premises approved by the Board and (ii) in closed, sealed containers for off-premises consumption. Any*
 712 *frozen dessert sold for off-premises consumption pursuant to this subdivision shall (a) be enclosed in a*
 713 *container that has no straw holes or other openings and is sealed in a manner that allows a person to readily*
 714 *discern whether the container has been opened or tampered with subsequent to its original closure; (b)*
 715 *display the name of the licensee from which the frozen dessert was purchased; and (c) be clearly marked with*
 716 *the phrase "contains alcoholic beverages."*

717 *For the purposes of this subdivision, "frozen dessert" means any dairy or non-dairy ice cream, custard,*
 718 *ice pop, popsicle, shaved ice, frozen yogurt, gelato, sorbet, or sherbet. "Frozen dessert" shall not include*
 719 *what is commonly known as a milkshake.*

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

721 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed
 722 containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in
 723 dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other
 724 designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with
 725 regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and
 726 consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board
 727 or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in
 728 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being
 729 provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross
 730 receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is
 731 provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter

732 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board
 733 under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own
 734 lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this
 735 subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed
 736 premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare,
 737 provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such
 738 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A
 739 5 of § 4.1-201.

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

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

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

756 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during
 757 the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas,
 758 or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper,
 759 plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon
 760 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
 761 beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to
 762 persons operating food concessions at any performing arts facility.

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

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

781 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without
 782 meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold,
 783 for on-premises consumption or in closed containers for off-premises consumption. The privileges of this
 784 license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

785 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
 786 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
 787 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of
 788 the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming
 789 public about historic beer products. The privileges of this license shall be limited to the premises of the
 790 museum, regularly occupied and utilized as such.

791 C. The Board may grant the following off-premises wine and beer licenses:

792 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store,

793 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as
 794 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in
 795 closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to
 796 any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises
 797 consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more
 798 than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also
 799 give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring
 800 and educating the consuming public about the alcoholic beverages being tasted. With the consent of the
 801 licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives
 802 of such licensees may participate in such tastings, including the pouring of samples. The licensee shall
 803 comply with any food inventory and sales volume requirements established by Board regulation.

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

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

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

812 1. Per-day event licenses.

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

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

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

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

841 2. Annual licenses.

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

850 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services
 851 agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic
 852 beverages on the premises of the licensee by any person, and bona fide members and guests thereof,
 853 otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be

854 purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the
 855 premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or
 856 both, regularly occupied as such and recognized by the governing body of the county, city, or town in which
 857 it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer
 858 fire or volunteer emergency medical services agency station, provided such other premises are occupied and
 859 under the control of the volunteer fire department or volunteer emergency medical services agency while the
 860 privileges of its license are being exercised.

861 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit
 862 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within
 863 the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-
 864 premises licensee that is located within the area designated by the Board for the designated outdoor
 865 refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area
 866 designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses
 867 not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the
 868 designated area for the designated outdoor refreshment area, the Board shall consult with the locality.
 869 Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any
 870 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration
 871 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.
 872 Such ordinance shall include the size and scope of the area within which such events will be held, a public
 873 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of
 874 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is
 875 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively
 876 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall
 877 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to
 878 the Board regarding the days and times during which the privileges of the license will be exercised. Only
 879 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area
 880 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
 881 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the
 882 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the
 883 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post
 884 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical
 885 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide
 886 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board
 887 regulations.

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

896 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and
 897 steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired
 898 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic
 899 beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be
 900 (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and
 901 steeplechase events, and (ii) exercised on no more than four calendar days per year.

902 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee
 903 participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the
 904 premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not
 905 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more
 906 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges
 907 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and
 908 (ii) exercised on no more than 12 calendar days per year.

909 E. The Board may grant a marketplace license to persons operating a business enterprise of which the
 910 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
 911 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
 912 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two
 913 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer
 914 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the

915 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to
 916 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;
 917 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager
 918 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training
 919 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed
 920 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether
 921 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the
 922 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;
 923 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and
 924 welfare.

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

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

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

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

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

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

951 **§ 4.1-231.1. (Effective until July 1, 2026) Fees on state licenses.**

952 A. (For contingent expiration date, see Acts 2020, cc. 1113, 1114, cl. 4) The annual fees on state licenses
 953 shall be as follows:

954 1. Manufacturer licenses. For each:

955 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or
 956 both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not
 957 more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons
 958 manufactured during such year, \$4,060;

959 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during
 960 the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during
 961 the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such
 962 year, \$4,690;

963 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
 964 license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

965 d. Farm winery license, \$275 for any Class I or Class II license, \$500 for any Class III license, and \$4,000
 966 for any Class IV license;

967 e. Wine importer's license, \$460; and

968 f. Beer importer's license, \$460.

969 2. Wholesale licenses. For each:

970 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less,
 971 \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and
 972 \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

973 (2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2,
 974 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a
 975 (1), multiplied by the number of separate locations covered by the license;

976 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year,

977 \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of
 978 wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of
 979 wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and
 980 (2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2,
 981 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b
 982 (1), multiplied by the number of separate locations covered by the license.
 983 3. Retail licenses — mixed beverage. For each:
 984 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
 985 located on premises of and operated by casinos, hotels or motels, or other persons:
 986 (1) With a seating capacity at tables for up to 100 persons, \$1,050;
 987 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
 988 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;
 989 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500;
 990 and
 991 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
 992 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private,
 993 nonprofit clubs:
 994 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
 995 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
 996 \$2,440; and
 997 (3) With an average yearly membership of more than 500 resident members, \$3,410;
 998 c. Mixed beverage casino license, \$3,100 plus an additional \$5 for each gaming station located on the
 999 premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means
 1000 each slot machine and each casino gaming table that is in active use, as determined annually on December 31;
 1001 d. Mixed beverage caterer's license, \$1,990;
 1002 e. Mixed beverage limited caterer's license, \$550;
 1003 f. Mixed beverage carrier license:
 1004 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the
 1005 Commonwealth by a common carrier of passengers by train;
 1006 (2) \$910 for each common carrier of passengers by boat;
 1007 (3) \$520 for each common carrier of passengers by bus; and
 1008 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;
 1009 g. Annual mixed beverage sports facility license, \$630;
 1010 h. Limited mixed beverage restaurant license:
 1011 (1) With a seating capacity at tables for up to 100 persons, \$945;
 1012 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
 1013 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
 1014 i. Annual mixed beverage performing arts facility license, \$630;
 1015 j. Bed and breakfast license, \$100;
 1016 k. Museum license, \$260;
 1017 l. Commercial lifestyle center license, \$300;
 1018 m. Mixed beverage port restaurant license, \$1,050; ~~and~~
 1019 n. Annual mixed beverage special events license, \$630; *and*
 1020 *o. Confectionery license, \$300.*
 1021 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
 1022 license, \$450.
 1023 5. Retail licenses — off-premises wine and beer. For each:
 1024 a. Retail off-premises wine and beer license, \$300; *and*
 1025 b. Gourmet brewing shop license, \$320; ~~and~~
 1026 ~~e. Confectionery license, \$170.~~
 1027 6. Retail licenses — banquet, special event, and tasting licenses.
 1028 a. Per-day event licenses. For each:
 1029 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
 1030 Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
 1031 (2) Mixed beverage special events license, \$45 for each day of each event;
 1032 (3) Mixed beverage club events license, \$35 for each day of each event; and
 1033 (4) Tasting license, \$40.
 1034 b. Annual licenses. For each:
 1035 (1) Annual banquet license, \$300;
 1036 (2) Banquet facility license, \$260;
 1037 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment

- 1038 area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1039 (4) Annual mixed beverage banquet license, \$630;
- 1040 (5) Equine sporting event license, \$300; and
- 1041 (6) Annual arts venue event license, \$300.
- 1042 7. Retail licenses — marketplace. For each marketplace license, \$1,000. However, if the license privileges
1043 are exercised during a period of six or less consecutive months and such period is specified prior to the
1044 beginning of the license year, the annual fee shall be \$500.
- 1045 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1046 a. Wine and beer shipper's license, \$230;
- 1047 b. Internet wine and beer retailer license, \$240;
- 1048 c. Bottler license, \$1,500;
- 1049 d. Fulfillment warehouse license, \$210;
- 1050 e. Marketing portal license, \$285; and
- 1051 f. Third-party delivery license, \$7,500, unless the licensee provides written certification to the Board that
1052 the licensee has no more than 25 delivery personnel, including employees, agents, and independent
1053 contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall
1054 be \$2,500.
- 1055 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed
1056 by this section on the license for which the applicant applied.
- 1057 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal
1058 to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number
1059 of months in the license period, and then increased by five percent. Such tax shall not be refundable, except
1060 as provided in § 4.1-232.
- 1061 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant
1062 license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable
1063 to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if
1064 the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants'
1065 license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the
1066 first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine
1067 distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a
1068 wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.
- 1069 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in
1070 person from the Board if such license is available for purchase online.
- 1071 **§ 4.1-231.1. (Effective July 1, 2026) Fees on state licenses.**
- 1072 A. (For contingent expiration date, see Acts 2020, cc. 1113, 1114, cl. 4) The annual fees on state licenses
1073 shall be as follows:
- 1074 1. Manufacturer licenses. For each:
- 1075 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or
1076 both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons but not
1077 more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000 gallons
1078 manufactured during such year, \$4,060;
- 1079 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during
1080 the year in which the license is granted, \$380; if not more than 10,000 barrels of beer manufactured during
1081 the year in which the license is granted, \$2,350; and if more than 10,000 barrels manufactured during such
1082 year, \$4,690;
- 1083 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
1084 license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;
- 1085 d. Farm winery license, \$275 for any Class I or Class II license, \$500 for any Class III license, and \$4,000
1086 for any Class IV license;
- 1087 e. Wine importer's license, \$460; and
- 1088 f. Beer importer's license, \$460.
- 1089 2. Wholesale licenses. For each:
- 1090 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or less,
1091 \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and
1092 \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and
- 1093 (2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2,
1094 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a
1095 (1), multiplied by the number of separate locations covered by the license;
- 1096 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per year,
1097 \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of
1098 wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of

- 1099 wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and
- 1100 (2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2,
- 1101 applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b
- 1102 (1), multiplied by the number of separate locations covered by the license.
- 1103 3. Retail licenses — mixed beverage. For each:
- 1104 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
- 1105 located on premises of and operated by casinos, hotels or motels, or other persons:
- 1106 (1) With a seating capacity at tables for up to 100 persons, \$1,050;
- 1107 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;
- 1108 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$1,980;
- 1109 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$2,500;
- 1110 and
- 1111 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;
- 1112 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private,
- 1113 nonprofit clubs:
- 1114 (1) With an average yearly membership of not more than 200 resident members, \$1,250;
- 1115 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
- 1116 \$2,440; and
- 1117 (3) With an average yearly membership of more than 500 resident members, \$3,410;
- 1118 c. Mixed beverage casino license, \$3,100 plus an additional \$5 for each gaming station located on the
- 1119 premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means
- 1120 each slot machine and each casino gaming table that is in active use, as determined annually on December 31;
- 1121 d. Mixed beverage caterer's license, \$1,990;
- 1122 e. Mixed beverage limited caterer's license, \$550;
- 1123 f. Mixed beverage carrier license:
- 1124 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the
- 1125 Commonwealth by a common carrier of passengers by train;
- 1126 (2) \$910 for each common carrier of passengers by boat;
- 1127 (3) \$520 for each common carrier of passengers by bus; and
- 1128 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;
- 1129 g. Annual mixed beverage sports facility license, \$630;
- 1130 h. Limited mixed beverage restaurant license:
- 1131 (1) With a seating capacity at tables for up to 100 persons, \$945;
- 1132 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
- 1133 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
- 1134 i. Annual mixed beverage performing arts facility license, \$630;
- 1135 j. Bed and breakfast license, \$100;
- 1136 k. Museum license, \$260;
- 1137 l. Commercial lifestyle center license, \$300;
- 1138 m. Mixed beverage port restaurant license, \$1,050; ~~and~~
- 1139 n. Annual mixed beverage special events license, \$630; *and*
- 1140 *o. Confectionery license, \$300.*
- 1141 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
- 1142 license, \$450.
- 1143 5. Retail licenses — off-premises wine and beer. For each:
- 1144 a. Retail off-premises wine and beer license, \$300; *and*
- 1145 b. Gourmet brewing shop license, \$320; ~~and~~
- 1146 ~~e. Confectionery license, \$170.~~
- 1147 6. Retail licenses — banquet, special event, and tasting licenses.
- 1148 a. Per-day event licenses. For each:
- 1149 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
- 1150 Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
- 1151 (2) Mixed beverage special events license, \$45 for each day of each event;
- 1152 (3) Mixed beverage club events license, \$35 for each day of each event; and
- 1153 (4) Tasting license, \$40.
- 1154 b. Annual licenses. For each:
- 1155 (1) Annual banquet license, \$300;
- 1156 (2) Banquet facility license, \$260;
- 1157 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor refreshment
- 1158 area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
- 1159 (4) Annual mixed beverage banquet license, \$630;
- 1160 (5) Equine sporting event license, \$300; and

- 1161 (6) Annual arts venue event license, \$300.
- 1162 7. Retail licenses — marketplace. For each marketplace license, \$1,000. However, if the license privileges
 1163 are exercised during a period of six or less consecutive months and such period is specified prior to the
 1164 beginning of the license year, the annual fee shall be \$500.
- 1165 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1166 a. Wine and beer shipper's license, \$230;
- 1167 b. Internet wine and beer retailer license, \$240;
- 1168 c. Bottler license, \$1,500;
- 1169 d. Fulfillment warehouse license, \$210; and
- 1170 e. Marketing portal license, \$285.
- 1171 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed
 1172 by this section on the license for which the applicant applied.
- 1173 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal
 1174 to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number
 1175 of months in the license period, and then increased by five percent. Such tax shall not be refundable, except
 1176 as provided in § 4.1-232.
- 1177 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant
 1178 license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable
 1179 to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if
 1180 the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants'
 1181 license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the
 1182 first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine
 1183 distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a
 1184 wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.
- 1185 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license purchased in
 1186 person from the Board if such license is available for purchase online.
- 1187 **§ 4.1-233.1. Fees on local licenses.**
- 1188 A. In addition to the state license taxes, the annual local license taxes that may be collected shall not
 1189 exceed the following sums:
- 1190 1. Manufacturer licenses. For each:
- 1191 a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000
 1192 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year,
 1193 \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons
 1194 of alcohol or spirits, or both, during such license year;
- 1195 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during
 1196 the year in which the license is granted, \$250, and if more than 500 barrels manufactured during such year,
 1197 \$1,000;
- 1198 c. Winery license, \$50; and
- 1199 d. Farm winery license, \$50.
- 1200 2. Wholesale licenses. For each:
- 1201 a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and
- 1202 b. Wholesale wine license, \$50.
- 1203 3. Retail licenses — mixed beverage. For each:
- 1204 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
 1205 located on premises of and operated by casinos, hotels or motels, or other persons:
- 1206 (1) With a seating capacity at tables for up to 100 persons, \$200;
- 1207 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;
- 1208 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;
- 1209 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, \$650;
- 1210 and
- 1211 (5) With a seating capacity at tables for more than 1,000 persons, \$800;
- 1212 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private,
 1213 nonprofit clubs, \$350;
- 1214 c. Mixed beverage casino license, \$800 plus an additional \$2 for each gaming station located on the
 1215 premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means
 1216 each slot machine and each casino gaming table that is in active use, as determined annually on December 31;
- 1217 d. Mixed beverage caterer's license, \$500;
- 1218 e. Mixed beverage limited caterer's license, \$100;
- 1219 f. Annual mixed beverage sports facility license, \$300;
- 1220 g. Limited mixed beverage restaurant license:
- 1221 (1) With a seating capacity at tables for up to 100 persons, \$100;
- 1222 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or

- 1223 (3) With a seating capacity at tables for more than 150 persons, \$400;
- 1224 h. Annual mixed beverage performing arts facility license, \$300;
- 1225 i. Bed and breakfast license, \$40;
- 1226 j. Museum license, \$10;
- 1227 k. Commercial lifestyle center license, \$60; ~~and~~
- 1228 l. Annual mixed beverage special events license, \$300; *and*
- 1229 m. *Confectionery license, \$60.*
- 1230 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
- 1231 license issued to:
- 1232 a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;
- 1233 b. Hospitals, \$10;
- 1234 c. Rural grocery stores, \$37.50; and
- 1235 d. Historic cinema houses, \$20.
- 1236 5. Retail licenses — off-premises wine and beer. For each:
- 1237 a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50; *and*
- 1238 b. Gourmet brewing shop license, \$150; ~~and~~
- 1239 e. ~~Confectionery license, \$20.~~
- 1240 6. Retail licenses — banquet, special event, and tasting licenses. For each:
- 1241 a. Per-day event licenses. For each:
- 1242 (1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the Board
- 1243 pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
- 1244 (2) Mixed beverage special events license, \$10 for each day of each event;
- 1245 (3) Mixed beverage club events license, \$10 for each day of each event; and
- 1246 (4) Tasting license, \$10.
- 1247 b. Annual licenses. For each:
- 1248 (1) Annual banquet license, \$15;
- 1249 (2) Designated outdoor refreshment area license, \$60. However, for any designated outdoor refreshment
- 1250 area license issued pursuant to a local ordinance, the annual tax shall be \$600;
- 1251 (3) Annual mixed beverage banquet license, \$75;
- 1252 (4) Equine sporting event license, \$10; and
- 1253 (5) Annual arts venue event license, \$10.
- 1254 7. Retail licenses — marketplace. For each marketplace license, \$200. However, if the license privileges
- 1255 are exercised during a period of six or less consecutive months and such period is specified prior to the
- 1256 beginning of the license year, the annual tax shall be \$100.
- 1257 8. Retail licenses — shipper, bottler, and related licenses. For each:
- 1258 a. Wine and beer shipper's license, \$10; and
- 1259 b. Bottler license, \$500.
- 1260 B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling
- 1261 alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of
- 1262 establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption
- 1263 only.
- 1264 C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the
- 1265 Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail
- 1266 merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include
- 1267 alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages
- 1268 were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee
- 1269 from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license
- 1270 taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.
- 1271 The governing body of any county, city, or town, in adopting an ordinance under this section, shall
- 1272 provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the
- 1273 ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of
- 1274 beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases
- 1275 which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale
- 1276 beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license
- 1277 taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale
- 1278 wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the
- 1279 amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax
- 1280 equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.
- 1281 D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any
- 1282 wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such
- 1283 wholesaler maintains no place of business in such county, city, or town.
- 1284 E. Application of county tax within town. Any county license tax imposed under this section shall not

1285 apply within the limits of any town located in such county, where such town imposes a town license tax on
1286 the same privilege.