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## SENATE BILL NO. 1163

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on January 31, 2025)

(Patron Prior to Substitute—Senator McDougle)

*A BILL to amend and reenact §§ 4.1-100, 4.1-111, and 4.1-206.3, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; food-to-beverage ratio.*

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

**1. That §§ 4.1-100, 4.1-111, and 4.1-206.3, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 4.1-100. Definitions.**

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are

60 served or consumed in the room where such charitable gaming is being conducted while such gaming is being  
61 conducted and that no alcoholic beverages are made available upon the premises to any person who is neither  
62 a member nor a bona fide guest of a member.

63 Any such corporation or association which has been declared exempt from federal and state income taxes  
64 as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit  
65 corporation or association.

66 "Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10  
67 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores  
68 and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically  
69 integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association  
70 that is responsible for the management, maintenance, and operation of the common areas thereof.

71 "Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic  
72 beverages.

73 "Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains  
74 grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and  
75 crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement  
76 with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract  
77 winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the  
78 winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of  
79 the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms  
80 of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may  
81 charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking  
82 services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits,  
83 and other agricultural products used to make such wine are grown in the Commonwealth.

84 "Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent  
85 structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items  
86 intended for human consumption consisting of a variety of such items of the types normally sold in grocery  
87 stores.

88 "Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building  
89 that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at  
90 least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the  
91 public, for compensation, at least one meal per day, lodging, and recreational and educational activities  
92 related to farming, livestock, and other rural activities.

93 "Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little  
94 preparation, such as cheeses, salads, cooked meats, and related condiments.

95 "Designated area" means a room or area approved by the Board for on-premises licensees.

96 "Dining area" means a public room or area in which meals are regularly served.

97 "Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a  
98 prescription and other medicines and items for home and general use.

99 "Establishment" means any place where alcoholic beverages of one or more varieties are lawfully  
100 manufactured, sold, or used.

101 "Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned  
102 agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural  
103 products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219,  
104 and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures  
105 wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private  
106 institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the  
107 wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine  
108 manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and  
109 apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance  
110 with the requirements of this clause (ii) and Board regulations. As used in this definition, the term  
111 "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing  
112 wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in  
113 clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the  
114 cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural  
115 district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this  
116 definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the  
117 limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall  
118 otherwise limit or affect local zoning authority.

119 "Food-to-beverage ratio" means, for purposes of mixed beverage restaurant licenses, the percentage  
120 calculated by dividing (i) the licensee's gross receipts from the sale of food cooked or prepared and

consumed on the premises and nonalcoholic beverages served on the premises by (ii) the licensee's gross receipts from the sale of food cooked or prepared and consumed on the premises, nonalcoholic beverages served on the premises, and mixed beverages served on the premises. "Food-to-beverage ratio" means, for purposes of mixed beverage caterer's and limited caterer's licenses, the percentage calculated by dividing (a) the licensee's gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at private gatherings and special events by (b) the licensee's gross receipts from the sale of mixed beverages and from food cooked and prepared for service and nonalcoholic beverages served at private gatherings and special events.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal

182 descendants of a bona fide member, whether alive or deceased, of a national or international organization to  
183 which an individual lodge holding a club license is an authorized member in the same locality. It shall also  
184 mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident  
185 members of the club, the full amount of such contribution being paid in advance in a lump sum.

186 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

187 "Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and  
188 which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are  
189 not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain  
190 alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

191 "Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which  
192 is the county seat of Smyth County.

193 "Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or  
194 similar facility at which live musical, dance, theatre, or similar performances, the types of which are  
195 approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating  
196 for more than 500 persons.

197 "Place or premises" means the real estate, together with any buildings or other improvements thereon,  
198 designated in the application for a license as the place at which the manufacture, bottling, distribution, use or  
199 sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement  
200 actually and exclusively used as a private residence.

201 "Principal stockholder" means any person who individually or in concert with his spouse and immediate  
202 family members beneficially owns or controls, directly or indirectly, five percent or more of the equity  
203 ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate  
204 family members has the power to vote or cause the vote of five percent or more of any such equity  
205 ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange  
206 Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded  
207 corporation holding, directly or indirectly, a license from the Authority.

208 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,  
209 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,  
210 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

211 "Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private  
212 meetings or private parties limited in attendance to members and guests of a particular group, association or  
213 organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities  
214 while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to  
215 employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii)  
216 offices, office buildings or industrial facilities while closed to the public and in use for private meetings or  
217 parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such  
218 building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on  
219 which alcoholic beverages are not sold.

220 "Residence" means any building or part of a building or structure where a person resides, but does not  
221 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a  
222 hotel or club other than a private guest room thereof.

223 "Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities  
224 located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with  
225 voluntary membership which, as its primary function, makes available golf, ski, and other recreational  
226 facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a  
227 management company which, as its primary function, makes available (a) vacation accommodations, guest  
228 rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities  
229 and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms  
230 or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if  
231 the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such  
232 guest rooms and dwelling units shall be located within the same locality. The Authority may consider the  
233 purpose, characteristics, and operation of the applicant establishment in determining whether it shall be  
234 considered as a resort complex. All other pertinent qualifications established by the Board for a hotel  
235 operation shall be observed by such licensee.

236 "Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any  
237 establishment provided with special space and accommodation, where, in consideration of payment, meals or  
238 other foods prepared on the premises are regularly sold.

239 "Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license,  
240 an established place of business (i) where meals with substantial entrees are regularly sold ~~and~~; (ii) ~~which th~~  
241 ~~at has at least as many seats at tables as at counters; and (iii) that~~ has adequate facilities and sufficient  
242 employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the

premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

#### **§ 4.1-111. Regulations of Board.**

A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this subtitle and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

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

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

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

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

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

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for

304 purchases at government stores, including provision for the collection, where appropriate, of related fees,  
305 penalties, and service charges.

306 8. Require that banquet licensees in charge of public events as defined by Board regulations report to the  
307 Board the income and expenses associated with the public event on a form prescribed by the Board when the  
308 banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet  
309 licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

310 9. Provide alternative methods for licensees to maintain and store business records that are subject to  
311 Board inspection, including methods for Board-approved electronic and off-site storage.

312 10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-  
313 half of one percent or more of alcohol by volume in the same location where wine and beer are available for  
314 sale within the licensed premises.

315 11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell  
316 flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

317 12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to  
318 subsection C of § 4.1-232.

319 13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic  
320 beverages, not inconsistent with the provisions of this subtitle, so that such advertising does not encourage or  
321 otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not  
322 be lawfully sold. Such regulations shall:

323 a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the  
324 general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as  
325 provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees  
326 as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition  
327 against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set  
328 forth in Board regulation; and

329 b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this subtitle and (ii) the  
330 display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter  
331 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in §  
332 55.1-1100, but only in accordance with this subtitle.

333 14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to  
334 an agreement with a brand owner not under common control with the manufacturing brewery and sell and  
335 deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be  
336 an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by  
337 the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

338 15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall  
339 permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and  
340 any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using  
341 creative marketing techniques in such advertisements, provided that such techniques do not tend to induce  
342 overconsumption or consumption by minors.

343 16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of  
344 wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom  
345 such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject  
346 to any Board limitations on the frequency of such gifts.

347 17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass,  
348 ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the  
349 Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

350 18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic,  
351 metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a  
352 maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used  
353 only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet  
354 shops granted a retail off-premises wine and beer license. Growlers sold by gourmet shops shall be labeled  
355 with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid  
356 ounces, and (iv) the name and address of the retailer.

357 19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises  
358 and off-premises consumption, or by gourmet shops granted a retail off-premises wine and beer license for  
359 off-premises consumption in sealed containers made of metal or other materials approved by the Board with a  
360 maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic  
361 beverage is placed in the container following an order from the consumer.

362 20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages  
363 and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the  
364 Board.

365 21. Establish and make available to all licensees and permittees for which on-premises consumption of

alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees, except for mixed beverage casino licensees, to have food, *including meals as defined in § 4.1-100*, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served. *No mixed beverages may be served once food is no longer being sold for on-premises consumption.*

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

24. Prescribe the terms and conditions under which manufacturers, brokers, importers, and wholesalers may advertise and promote alcoholic beverages via the Internet, social media, direct-to-consumer electronic communication, or other electronic means in a manner not inconsistent with the provisions of this subtitle.

25. *Prescribe the terms and conditions under which persons holding a mixed beverage restaurant, caterer's, or limited caterer's license comply with the food-to-beverage ratio provision requiring such licensees with monthly food sales of at least \$4,000 to have a food-to-beverage ratio that meets or exceeds 30 percent.*

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

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

E. Courts shall take judicial notice of Board regulations.

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

**§ 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 that complies with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.~~ 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)~~ (i) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and ~~(b)~~ (ii) 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

427 exclusively for its members and their guests, or members of another private, nonprofit, or profit club in  
428 another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize  
429 the licensee to ~~(H)~~ (a) sell and serve mixed beverages for on-premises or off-premises consumption and ~~(2)~~  
430 (b) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or  
431 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food  
432 in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on  
433 another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of  
434 a license by the Board to such club qualifying in all other respects. ~~The club's gross receipts from the sale of~~  
435 ~~nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed~~  
436 ~~on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and~~  
437 ~~food club shall comply with the food-to-beverage ratio provision set by Board regulation pursuant to §~~  
438 ~~4.1-111.~~ The food sales made by a restaurant to such a club shall be excluded in any consideration of the  
439 qualifications of such restaurant for a license from the Board.

440 If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall  
441 recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for  
442 those months when weather conditions may reduce patronage of the golf course, provided that prepared food,  
443 including meals, is available to patrons during the same months. ~~The gross receipts from the sale of food~~  
444 ~~cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after~~  
445 ~~the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed~~  
446 ~~beverages and food on an annualized basis restaurant shall comply with the food-to-beverage ratio provision~~  
447 ~~set by Board regulation pursuant to § 4.1-111.~~

448 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall  
449 authorize the licensee to ~~(A)~~ (1) sell alcoholic beverages, without regard to the amount of gross receipts from  
450 the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises  
451 consumption in areas upon the licensed premises approved by the Board and other designated areas of the  
452 resort, including outdoor areas under the control of the licensee, and ~~(B)~~ (2) permit the possession and  
453 consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being  
454 provided in bedrooms and private guest rooms.

455 If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator  
456 licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant  
457 license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed  
458 premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic  
459 beverages purchased from such restaurant may be ~~(H)~~ (A) taken onto the premises of the mixed beverage  
460 casino licensee and ~~(H)~~ (B) possessed or consumed in areas designated by the Board, after consultation with  
461 the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed  
462 beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools,  
463 marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall  
464 be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or  
465 logo of the restaurant from which the alcoholic beverage was purchased.

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

470 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the  
471 business of providing food and beverages to others for service at private gatherings or at special events,  
472 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The  
473 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages  
474 served at gatherings and events referred to in this subdivision shall ~~amount to at least 45 percent of the gross~~  
475 ~~receipts from the sale of mixed beverages and food~~ *comply with the food-to-beverage ratio provision set by*  
476 *Board regulation pursuant to § 4.1-111.*

477 3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in  
478 the business of providing food and beverages to others for service at private gatherings or at special events,  
479 not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic  
480 beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared  
481 for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall  
482 ~~amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food~~ *comply with the*  
483 *food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.*

484 4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat,  
485 bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the  
486 Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of  
487 establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a

financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

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

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

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

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

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

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

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being

549 provided, with or without meals, for on-premises consumption only in such rooms and areas, and without  
550 regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii)  
551 permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is  
552 being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast  
553 establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas,  
554 whether or not contiguous to the licensed premises, which may have more than one means of ingress and  
555 egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the  
556 licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail  
557 license issued pursuant to subdivision A 5 of § 4.1-201.

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

564 11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association  
565 governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that  
566 is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom  
567 alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the  
568 commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses,  
569 walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle  
570 center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas.  
571 Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on  
572 the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in  
573 paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the  
574 alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the  
575 commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the  
576 public the boundaries of the licensed premises; however, no physical barriers shall be required for this  
577 purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the  
578 applicable provisions of this subtitle and Board regulations.

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

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

606 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed  
607 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed  
608 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and  
609 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises

consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

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

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

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

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

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

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

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

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

persons operating food concessions at any performing arts facility.

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

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

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

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

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

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

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

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

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

1. Per-day event licenses.

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

the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

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

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

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

## 2. Annual licenses.

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

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

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post

793 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical  
794 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide  
795 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board  
796 regulations.

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

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

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

818 E. The Board may grant a marketplace license to persons operating a business enterprise of which the  
819 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve  
820 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations  
821 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two  
822 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer  
823 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the  
824 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to  
825 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;  
826 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager  
827 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training  
828 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed  
829 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether  
830 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the  
831 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;  
832 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and  
833 welfare.

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

835 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.  
836 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the  
837 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in  
838 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for  
839 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
840 requirement established by Board regulations.

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

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

853 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under

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

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

**§ 4.1-206.3. (Effective 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 consumption in dining areas and other designated areas of such restaurant. 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 that complies with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.~~ 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)~~ (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and ~~(b)~~ (ii) 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)~~ (a) sell and serve mixed beverages for on-premises consumption and ~~(2)~~ (b) 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 club shall comply with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.~~ 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 restaurant shall comply with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.~~

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to ~~(A)~~ (1) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and ~~(B)~~ (2) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant

license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be ~~(H)~~ (A) taken onto the premises of the mixed beverage casino licensee and ~~(H)~~ (B) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

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

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall ~~amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food~~ *comply with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.*

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall ~~amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food~~ *comply with the food-to-beverage ratio provision set by Board regulation pursuant to § 4.1-111.*

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

For the purposes of this subdivision:

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

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

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

4.1-233.1.

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

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

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

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining 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.

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

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

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

1038 beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be  
1039 granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is  
1040 located on property owned by the United States government or an agency thereof and used as a port of entry  
1041 to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared,  
1042 and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such  
1043 license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the  
1044 purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not  
1045 contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress  
1046 and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and  
1047 approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license  
1048 issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall  
1049 automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises  
1050 consumption or in closed containers for off-premises consumption; however, the licensee shall be required to  
1051 pay the local fee required for such additional license pursuant to § 4.1-233.1.

1052 13. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or  
1053 association operating either a performing arts facility or an art education and exhibition facility; (ii) a  
1054 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects  
1055 significant in American history and culture; (iii) persons operating an agricultural event and entertainment  
1056 park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other  
1057 livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls,  
1058 and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a  
1059 museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall  
1060 be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was  
1061 for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during  
1062 scheduled events and performances for on-premises consumption in areas upon the licensed premises  
1063 approved by the Board.

1064 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed  
1065 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed  
1066 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and  
1067 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises  
1068 consumption in private areas or restricted access areas designated by the Board, after consultation with the  
1069 mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed  
1070 beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools,  
1071 marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to  
1072 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for  
1073 off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages;  
1074 however, the licensee shall be required to pay the local fee required for such additional license pursuant to §  
1075 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may  
1076 exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino  
1077 gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption  
1078 between the hours of 12 a.m. and 6 a.m.

1079 A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed  
1080 containers for personal consumption off the licensed premises or in areas designated by the Board, after  
1081 consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or  
1082 reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises  
1083 consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the  
1084 Board upon request.

1085 A mixed beverage casino license may only be issued to a casino gaming establishment owned by an  
1086 operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

1087 B. The Board may grant an on-and-off-premises wine and beer license to the following:

1088 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed  
1089 containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in  
1090 dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other  
1091 designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with  
1092 regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and  
1093 consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board  
1094 or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in  
1095 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being  
1096 provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross  
1097 receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is  
1098 provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter

49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining 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.

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

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

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

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

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

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

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

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

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

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

1160 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as  
1161 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in  
1162 closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to  
1163 any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises  
1164 consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more  
1165 than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also  
1166 give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring  
1167 and educating the consuming public about the alcoholic beverages being tasted. With the consent of the  
1168 licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives  
1169 of such licensees may participate in such tastings, including the pouring of samples. The licensee shall  
1170 comply with any food inventory and sales volume requirements established by Board regulation.

1171 2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine  
1172 or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent  
1173 to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises  
1174 consumption in accordance with subdivision 6 of § 4.1-200.

1175 3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises  
1176 for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol  
1177 contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

1178 D. The Board may grant the following banquet, special event, and tasting licenses:

1179 1. Per-day event licenses.

1180 a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations  
1181 or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in  
1182 rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas.  
1183 Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized  
1184 to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons  
1185 to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and  
1186 (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance  
1187 with Board regulations, in closed containers to persons located within the Commonwealth. Except as  
1188 provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For  
1189 the purposes of this subdivision, when the location named in the original application for a license is outdoors,  
1190 the application may also name an alternative location in the event of inclement weather. However, no such  
1191 license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

1192 b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in  
1193 charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-  
1194 premises consumption in areas approved by the Board on the premises of the place designated in the license.  
1195 A separate license shall be required for each day of each special event.

1196 c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall  
1197 authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and  
1198 their guests in areas approved by the Board on the club premises. A separate license shall be required for each  
1199 day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The  
1200 granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license  
1201 to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay  
1202 the local fee required for such additional license pursuant to § 4.1-233.1.

1203 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the  
1204 type specified in the license in designated areas at events held by the licensee. A tasting license shall be  
1205 issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being  
1206 tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be  
1207 required for conduct authorized by § 4.1-201.1.

1208 2. Annual licenses.

1209 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable  
1210 membership organizations that are exempt from state and federal taxation and in charge of banquets  
1211 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer  
1212 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or  
1213 areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For  
1214 the purposes of this subdivision, when the location named in the original application for a license is outdoors,  
1215 the application may also name an alternative location in the event of inclement weather. However, no such  
1216 license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

1217 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services  
1218 agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic  
1219 beverages on the premises of the licensee by any person, and bona fide members and guests thereof,  
1220 otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be

1221 purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the  
 1222 premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or  
 1223 both, regularly occupied as such and recognized by the governing body of the county, city, or town in which  
 1224 it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer  
 1225 fire or volunteer emergency medical services agency station, provided such other premises are occupied and  
 1226 under the control of the volunteer fire department or volunteer emergency medical services agency while the  
 1227 privileges of its license are being exercised.

1228 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit  
 1229 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within  
 1230 the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-  
 1231 premises licensee that is located within the area designated by the Board for the designated outdoor  
 1232 refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area  
 1233 designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses  
 1234 not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the  
 1235 designated area for the designated outdoor refreshment area, the Board shall consult with the locality.  
 1236 Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any  
 1237 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration  
 1238 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.  
 1239 Such ordinance shall include the size and scope of the area within which such events will be held, a public  
 1240 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of  
 1241 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is  
 1242 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively  
 1243 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall  
 1244 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to  
 1245 the Board regarding the days and times during which the privileges of the license will be exercised. Only  
 1246 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area  
 1247 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar  
 1248 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the  
 1249 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the  
 1250 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post  
 1251 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical  
 1252 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide  
 1253 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board  
 1254 regulations.

1255 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or  
 1256 charitable membership organizations that are exempt from state and federal taxation and in charge of  
 1257 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve  
 1258 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place  
 1259 designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per  
 1260 calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee  
 1261 to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall  
 1262 be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

1263 e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and  
 1264 steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired  
 1265 alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic  
 1266 beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be  
 1267 (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and  
 1268 steeplechase events, and (ii) exercised on no more than four calendar days per year.

1269 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee  
 1270 participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the  
 1271 premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not  
 1272 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more  
 1273 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges  
 1274 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and  
 1275 (ii) exercised on no more than 12 calendar days per year.

1276 E. The Board may grant a marketplace license to persons operating a business enterprise of which the  
 1277 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve  
 1278 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations  
 1279 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two  
 1280 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer  
 1281 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the

1282 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to  
1283 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;  
1284 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager  
1285 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training  
1286 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed  
1287 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether  
1288 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the  
1289 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;  
1290 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and  
1291 welfare.

1292 F. The Board may grant the following shipper, bottler, and related licenses:

1293 1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

1294 2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the  
1295 Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in  
1296 closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for  
1297 off-premises consumption. Such licensee shall not be required to comply with the monthly food sale  
1298 requirement established by Board regulations.

1299 3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of  
1300 beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i)  
1301 wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United  
1302 States sailing for ports of call of a foreign country or another state, and (iii) persons outside the  
1303 Commonwealth for resale outside the Commonwealth.

1304 4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place  
1305 of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by  
1306 holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick,  
1307 pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No  
1308 wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person  
1309 under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the  
1310 business for which any fulfillment warehouse license is issued.

1311 5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under  
1312 the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business  
1313 located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or  
1314 beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be  
1315 lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or  
1316 beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing  
1317 portal licensees may also accept payment on behalf of the shipper.

1318 **2. That the provisions of this act shall expire on July 1, 2027.**

1319 **3. That the Virginia Alcoholic Beverage Control Authority's (the Authority) initial adoption of**  
1320 **regulations necessary to implement the provisions of this act shall be exempt from the provisions of the**  
1321 **Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Authority shall**  
1322 **provide an opportunity for public comment on the regulations prior to adoption.**

1323 **4. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall collect data regarding**  
1324 **the compliance of mixed beverage licensees with the provisions of this act and the impact of the change**  
1325 **to the food-to-beverage ratio pursuant to this act on the gross amount of food consumed on a licensee's**  
1326 **premises. The Authority shall report such data to the Chairmen of the House Committee on General**  
1327 **Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2026.**