

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [S 811]

6 Approved

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

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

10 **§ 4.1-212.1. (Effective until July 1, 2026) Delivery of wine and beer; kegs; regulations of Board.**

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

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

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

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

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

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

57 restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16
 58 ounces per beverage; and (e) during delivery, be stored (1) in the trunk of the vehicle, (2) in an area that is
 59 rear of the driver's seat, (3) in a locked container or compartment, or (4) in the case of delivery by bicycle, in
 60 a compartment behind the bicyclist.

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

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

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

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

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

78 The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for
 79 off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any
 80 summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of §
 81 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice
 82 of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the
 83 licensee's residence or the address listed for the licensed premises on the initial license application.

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

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

94 **§ 4.1-212.1. (Effective July 1, 2026) Delivery of wine and beer; kegs; regulations of Board.**

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

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

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

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

117 E. *Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119*

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

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

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

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

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

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

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

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

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

171 The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for
 172 off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any
 173 summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of §
 174 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice
 175 of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the
 176 licensee's residence or the address listed for the licensed premises on the initial license application.

177 **2. That the first, second, and fourth enactments of Chapters 105 and 159 of the Acts of Assembly of**
 178 **2024 are repealed.**