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1 **HOUSE BILL NO. 1181**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact §§ 4.1-100 and 4.1-206.3 of the Code of Virginia, relating to alcoholic*
5 *beverage control; special events; mixed beverage caterer's licenses.*

6 Patron—Krizek

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 4.1-100 and 4.1-206.3 of the Code of Virginia are amended and reenacted as follows:**10 **§ 4.1-100. Definitions.**

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

12 "Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented
13 liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but
14 shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by
15 the government of the United States.16 "Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages
17 with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.18 "Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties
19 containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and
20 every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable
21 of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall
22 be considered as belonging to that variety which has the higher percentage of alcohol, however obtained,
23 according to the order in which they are set forth in this definition; except that beer may be manufactured to
24 include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49
25 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other
26 nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent
27 by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as
28 no more than one and one-half percent of the volume of the finished product consists of alcohol derived from
29 added flavors and other nonbeverage ingredients containing alcohol.30 "Arts venue" means a commercial or nonprofit establishment that is open to the public and in which
31 works of art are sold or displayed.

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

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

34 "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.

35 "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.

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

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

38 "Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20
39 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the
40 Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24
41 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with
42 charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation
43 of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or
44 Board regulation.45 "Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of
46 an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but
47 not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment
48 so operated. A corporation or association shall not lose its status as a club because of the conduct of

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59 charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in
60 which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are
61 served or consumed in the room where such charitable gaming is being conducted while such gaming is being
62 conducted and that no alcoholic beverages are made available upon the premises to any person who is neither
63 a member nor a bona fide guest of a member.

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

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

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

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

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

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

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

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

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

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

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

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

120 "Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

170 "Member of a club" means (i) a person who maintains his membership in the club by the payment of
 171 monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a
 172 person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal
 173 descendants of a bona fide member, whether alive or deceased, of a national or international organization to
 174 which an individual holding a club license is an authorized member in the same locality. It shall also
 175 mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident
 176 members of the club, the full amount of such contribution being paid in advance in a lump sum.

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

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

182 "Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which

183 is the county seat of Smyth County.

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

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

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

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

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

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

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

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

230 "Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license,
231 an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has
232 adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption
233 at tables in dining areas on the premises, and includes establishments specializing in full course meals with a
234 single substantial entree.

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

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

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

242 "Special event" means an event (i) sponsored or co-sponsored by a duly organized nonprofit corporation
243 or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose or
244 (ii) where a duly organized nonprofit corporation or association is engaged to be the concession operator

245 entitled to the net proceeds from the sale of alcoholic beverages for such event.

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

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

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

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

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

268 **§ 4.1-206.3. Retail licenses.**

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

270 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed
271 beverages for on-premises consumption in dining areas and other designated areas of such restaurant or
272 off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii)
273 whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and
274 nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent
275 of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other
276 designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises,
277 which outdoor dining areas may have more than one means of ingress and egress to an adjacent public
278 thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such
279 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A
280 5 of § 4.1-201.

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

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

304 If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall
305 recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for
306 those months when weather conditions may reduce patronage of the golf course, provided that prepared food,

307 including meals, is available to patrons during the same months. The gross receipts from the sale of food
308 cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after
309 the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed
310 beverages and food on an annualized basis.

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

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

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

333 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the
334 business of providing food and beverages to others for service at private gatherings ~~or at~~, special events, *or*
335 *cultural or sporting events sponsored by a locality, destination marketing organization, or regional*
336 *attractions marketing agency*, which shall authorize the licensee to sell and serve alcoholic beverages for
337 on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service
338 and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at
339 least 45 percent of the gross receipts from the sale of mixed beverages and food.

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

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

365 For the purposes of this subdivision:

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

368 "Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by

369 the applicable airport authority in which food and beverage services are provided to ticketed passengers.

370 5. Annual mixed beverage sports facility licenses to persons operating a sports facility or food concessions
 371 at a sports facility, which shall authorize the licensee to sell mixed beverages during any event and
 372 immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas,
 373 and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii)
 374 in paper, plastic, or similar disposable containers or in single original metal cans for on-premises
 375 consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully
 376 acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting
 377 of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell
 378 and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption;
 379 however, the licensee shall be required to pay the local fee required for such additional license pursuant to
 380 § 4.1-233.1.

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

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

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

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

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

427 11. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association
 428 governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that
 429 is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom
 430 alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the

431 commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses,
432 walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle
433 center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas.
434 Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on
435 the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in
436 paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the
437 alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the
438 commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the
439 public the boundaries of the licensed premises; however, no physical barriers shall be required for this
440 purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the
441 applicable provisions of this subtitle and Board regulations.

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

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

469 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed
470 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed
471 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and
472 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises
473 consumption in private areas or restricted access areas designated by the Board, after consultation with the
474 mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed
475 beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools,
476 marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to
477 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for
478 off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages;
479 however, the licensee shall be required to pay the local fee required for such additional license pursuant to
480 § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may
481 exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino
482 gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption
483 between the hours of 12 a.m. and 6 a.m.

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

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

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

493 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed
 494 containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in
 495 dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other
 496 designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with
 497 regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and
 498 consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board
 499 or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in
 500 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being
 501 provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross
 502 receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is
 503 provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter
 504 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board
 505 under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own
 506 lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this
 507 subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed
 508 premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare,
 509 provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such
 510 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A
 511 5 of § 4.1-201.

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

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

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

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

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

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

553 8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without
 554 meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold,

555 for on-premises consumption or in closed containers for off-premises consumption. The privileges of this
556 license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

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

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

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

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

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

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

584 1. Per-day event licenses.

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

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

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

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

613 2. Annual licenses.

614 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
615 membership organizations that are exempt from state and federal taxation and in charge of banquets
616 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer

617 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or
 618 areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For
 619 the purposes of this subdivision, when the location named in the original application for a license is outdoors,
 620 the application may also name an alternative location in the event of inclement weather. However, no such
 621 license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

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

633 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit
 634 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within
 635 the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-
 636 premises licensee that is located within the area designated by the Board for the designated outdoor
 637 refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area
 638 designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses
 639 not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the
 640 designated area for the designated outdoor refreshment area, the Board shall consult with the locality.
 641 Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any
 642 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration
 643 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.
 644 Such ordinance shall include the size and scope of the area within which such events will be held, a public
 645 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of
 646 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is
 647 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively
 648 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall
 649 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to
 650 the Board regarding the days and times during which the privileges of the license will be exercised. Only
 651 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area
 652 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
 653 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the
 654 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the
 655 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post
 656 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical
 657 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide
 658 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board
 659 regulations.

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

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

674 f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee
 675 participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the
 676 premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not
 677 be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more
 678 than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges

679 of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and
680 (ii) exercised on no more than 12 calendar days per year.

681 E. The Board may grant a marketplace license to persons operating a business enterprise of which the
682 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
683 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
684 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two
685 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer
686 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the
687 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to
688 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;
689 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager
690 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training
691 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed
692 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether
693 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the
694 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;
695 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and
696 welfare.

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

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

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

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

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

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