



59     beverages to and from such warehouses;

60     17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
61     tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
62     Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,  
63     at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to  
64     any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
65     acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms  
66     and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or  
67     mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such  
68     terms and conditions as may be determined by the Board; and occupy and improve any land or building  
69     required for the purposes of this subtitle;

70     18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered  
71     necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and  
72     processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic  
73     beverages;

74     19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be  
75     kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon;  
76     however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline  
77     alcohol;

78     20. Appoint every agent and employee required for its operations; require any or all of them to give bonds  
79     payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of  
80     experts and professionals;

81     21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production  
82     of records, memoranda, papers and other documents before the Board or any agent of the Board; and  
83     administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the  
84     Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and  
85     decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may  
86     enter into consent agreements and may request and accept from any applicant or licensee a consent agreement  
87     in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such  
88     consent agreement shall include findings of fact and may include an admission or a finding of a violation. A  
89     consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial  
90     review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by  
91     the Board in future disciplinary proceedings;

92     22. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
93     persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
94     subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
95     interest in obtaining the information requested if such information is not to be used for commercial or trade  
96     purposes;

97     23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
98     § 4.1-111;

99     24. Grant, suspend, *deactivate*, and revoke licenses for the manufacture, bottling, distribution,  
100     importation, and sale of alcoholic beverages;

101     25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

102     26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

103     27. Establish minimum food sale requirements for all retail licensees;

104     28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive  
105     Officer as the Board deems appropriate;

106     29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement  
107     activities undertaken to enforce the provisions of this subtitle;

108     30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with  
109     applications for such permits;

110     31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A 14 of  
111     § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state  
112     license fee; and

113     32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

114     **§ 4.1-215. Limitation on manufacturers, bottlers, and wholesalers; exemptions.**

115     A. 1. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall  
116     be granted to any (i) manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed in the  
117     Commonwealth or not; (ii) officer or director of any such manufacturer, bottler, or wholesaler; (iii)  
118     partnership or corporation, where any partner or stockholder is an officer or director of any such  
119     manufacturer, bottler, or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or  
120     has interest in another subsidiary corporation which is a manufacturer, bottler, or wholesaler of alcoholic

121 beverages; or (v) manufacturer, bottler, or wholesaler of alcoholic beverages who has a financial interest in a  
 122 corporation which has a retail license as a result of a holding company, which owns or has an interest in such  
 123 manufacturer, bottler, or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any  
 124 instances where such manufacturer, bottler, or wholesaler and such retailer are under common control, by  
 125 stock ownership or otherwise.

126 2. Notwithstanding any other provision of this subtitle, a manufacturer of wine or malt beverages, or two  
 127 or more of such manufacturers together, whether licensed in the Commonwealth or not, may obtain a banquet  
 128 license as provided in § 4.1-206.3 upon application to the Board, provided that the event for which a banquet  
 129 license is obtained is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and  
 130 educating the consuming public about wine or malt beverage products. Such manufacturer shall be limited to  
 131 eight banquet licenses, whether or not jointly obtained, for such events per year without regard to the number  
 132 of wineries or breweries owned or operated by such manufacturer or by any parent, subsidiary, or company  
 133 under common control with such manufacturer. Where the event occurs on no more than three consecutive  
 134 days, a manufacturer need only obtain one such license for the event.

135 3. Notwithstanding any other provision of this subtitle, a manufacturer of distilled spirits, whether  
 136 licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in  
 137 subdivision D 1 b of § 4.1-206.3 upon application to the Board, provided that such event is (i) at a place  
 138 approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public  
 139 about the manufacturer's spirits products. Such manufacturer shall be limited to no more than eight banquet  
 140 licenses for such special events per year. Where the event occurs on no more than three consecutive days, a  
 141 manufacturer need only obtain one such license for the event. Such banquet license shall authorize the  
 142 manufacturer to sell or give samples of spirits to any person to whom alcoholic beverages may be lawfully  
 143 sold in designated areas at the special event, provided that (a) no single sample shall exceed one-half ounce  
 144 per spirits product offered, unless served as a mixed beverage, in which case a single sample may contain up  
 145 to one and one-half ounces of spirits, and (b) no more than three ounces of spirits may be offered to any  
 146 patron per day. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as part  
 147 of a mixed beverage.

148 4. *Notwithstanding any other provision of this subtitle, a manufacturer, bottler, broker, importer, or  
 149 wholesaler may sponsor or provide support, including equipment, staff, financial, and other support, for a  
 150 special event for which a municipality or nonprofit organization has been issued a banquet license when such  
 151 special event is to be held on the grounds of a museum or a government-registered national, state, or local  
 152 historic site at which the municipality or nonprofit organization is licensed to operate a gift shop, provided  
 153 that any retail license issued to the premises has been deactivated by the Authority for the duration of such  
 154 special event. Such municipality or nonprofit organization shall be limited to no more than eight banquet  
 155 licenses for such special events per year.*

156 B. This section shall not apply to:

157 1. Corporations operating dining cars, buffet cars, club cars, or boats;

158 2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of  
 159 § 4.1-201;

160 3. Farm winery licensees engaging in conduct authorized by subdivision 6 of § 4.1-206.1;

161 4. Manufacturers, bottlers, or wholesalers of alcoholic beverages who do not sell or otherwise furnish,  
 162 directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet  
 163 license as described in subsection A;

164 5. Wineries, farm wineries, or breweries engaging in conduct authorized by subsection F of § 4.1-206.3 or  
 165 § 4.1-209.1 or 4.1-212.1; or

166 6. One out-of-state winery, not under common control or ownership with any other winery, that is under  
 167 common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any  
 168 wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before  
 169 it is offered for sale to consumers.

170 C. The General Assembly finds that it is necessary and proper to require a separation between  
 171 manufacturing interests, wholesale interests, and retail interests in the production and distribution of alcoholic  
 172 beverages in order to prevent suppliers from dominating local markets through vertical integration and to  
 173 prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The  
 174 exceptions established by this section to the general prohibition against tied interests shall be limited to their  
 175 express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.