



60     beverages to and from such warehouses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114     32. Establish and implement the voluntary no-buy program as provided in § 4.1-334.1; and

115     33. Do all acts necessary or advisable to carry out the purposes of this subtitle.

116     **§ 4.1-334.1. Voluntary no-buy program; court-ordered inclusion on list of excluded persons.**

117     A. The Board shall adopt regulations to establish and implement a voluntary no-buy program.

118     B. The regulations shall include the following provisions:

119         1. Except as provided by regulation of the Board, a person who participates in the voluntary no-buy program agrees to refrain from purchasing any alcoholic beverage. Any state agency, at the request of the Board, shall assist in administering the voluntary no-buy program pursuant to the provisions of this section.

122 *Nothing in this section shall be construed to require a private entity to assist in the implementation or*  
123 *administration of the voluntary no-buy program.*

124 *2. A person who participates in the voluntary no-buy program may choose an exclusion period of two*  
125 *years, five years, or a lifetime.*

126 *3. A person who participates in the voluntary no-buy program may petition the Board for removal from*  
127 *the program, subject to a seven-day waiting period.*

128 *4. The name of a person participating in the program shall be included on a list of excluded persons. The*  
129 *list of persons entering the voluntary no-buy program and the personal information of the participants shall*  
130 *be confidential, with dissemination by the Board limited to persons authorized under this subtitle to sell*  
131 *alcoholic beverages, law-enforcement officers acting in the performance of their official duties, and any*  
132 *other parties the Board deems necessary for purposes of enforcement. The list and the personal information*  
133 *of participants in the voluntary no-buy program shall not be subject to disclosure under the Virginia*  
134 *Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other*  
135 *parties upon request by the participant and agreement by the Board. No person shall be liable for any civil*  
136 *damages arising from any acts or omissions resulting from the good faith reliance on the list of excluded*  
137 *persons, unless such acts or omissions were the result of gross negligence or willful misconduct.*

138 *5. The Board shall make reasonable attempts to cease all direct marketing efforts to a person*  
139 *participating in the program.*

140 *C. A court may order any person be placed on the list of excluded persons pursuant to this section as a*  
141 *condition of probation or suspension of sentence or upon a conviction of § 18.2-36.1 (involuntary*  
142 *manslaughter resulting from driving while intoxicated), § 18.2-36.2 (involuntary manslaughter resulting from*  
143 *boating while intoxicated), § 18.2-51.4 (maiming resulting from driving while intoxicated), § 18.2-51.5*  
144 *(maiming resulting from boating while intoxicated), § 18.2-266 (driving while intoxicated) or a substantially*  
145 *similar local ordinance, § 29.1-738 (boating while intoxicated), or § 46.2-341.24 (driving a commercial*  
146 *vehicle while intoxicated).*