

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 4.1-206.3 of the Code of Virginia, relating to alcoholic beverage control;*  
 3 *retail licenses; commercial lifestyle center licenses.*

4 [S 14]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 4.1-206.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 4.1-206.3. Retail licenses.**

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

10 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed  
 11 beverages for on-premises consumption in dining areas and other designated areas of such restaurant or  
 12 off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii)  
 13 whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and  
 14 nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent  
 15 of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other  
 16 designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises,  
 17 which outdoor dining areas may have more than one means of ingress and egress to an adjacent public  
 18 thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such  
 19 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A  
 20 5 of § 4.1-201.

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

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

44 If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall  
 45 recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for  
 46 those months when weather conditions may reduce patronage of the golf course, provided that prepared food,  
 47 including meals, is available to patrons during the same months. The gross receipts from the sale of food  
 48 cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after  
 49 the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed  
 50 beverages and food on an annualized basis.

51 If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall  
 52 authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the  
 53 sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises  
 54 consumption in areas upon the licensed premises approved by the Board and other designated areas of the  
 55 resort, including outdoor areas under the control of the licensee, and (B) permit the possession and  
 56 consumption of lawfully acquired alcoholic beverages be persons to whom overnight lodging is being

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57 provided in bedrooms and private guest rooms.

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

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

73 2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the  
 74 business of providing food and beverages to others for service at private gatherings or at special events,  
 75 which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The  
 76 annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages  
 77 served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross  
 78 receipts from the sale of mixed beverages and food.

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

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

104 For the purposes of this subdivision:

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

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

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

119 § 4.1-233.1.

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

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

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

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

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

166 11. *Commercial lifestyle center licenses.*

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

181 premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

182 *b. Notwithstanding any other provision of law to the contrary, in any municipality with a population in*  
 183 *excess of 450,000 and an annual tourism fiscal impact in excess of \$3.5 billion, the Board may grant a*  
 184 *commercial lifestyle center license and a performing arts facility license for the same designated area*  
 185 *provided that (i) the performing arts facility license is limited to prescheduled events and (ii) such licenses*  
 186 *shall not be used simultaneously.*

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

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

214 14. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed  
 215 beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed  
 216 beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and  
 217 consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises  
 218 consumption in private areas or restricted access areas designated by the Board, after consultation with the  
 219 mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed  
 220 beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools,  
 221 marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to  
 222 obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for  
 223 off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages;  
 224 however, the licensee shall be required to pay the local fee required for such additional license pursuant to  
 225 § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may  
 226 exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino  
 227 gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption  
 228 between the hours of 12 a.m. and 6 a.m.

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

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

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

238 1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed  
 239 containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in  
 240 dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other  
 241 designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with  
 242 regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and

243 consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board  
 244 or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in  
 245 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being  
 246 provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross  
 247 receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is  
 248 provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter  
 249 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board  
 250 under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own  
 251 lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this  
 252 subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed  
 253 premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare,  
 254 provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such  
 255 noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A  
 256 5 of § 4.1-201.

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

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

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

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

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

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

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

302 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises  
 303 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such  
 304 licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of

305 the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming  
306 public about historic beer products. The privileges of this license shall be limited to the premises of the  
307 museum, regularly occupied and utilized as such.

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

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

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

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

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

329 1. Per-day event licenses.

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

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

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

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

358 2. Annual licenses.

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

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

378 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit  
 379 organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within  
 380 the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-  
 381 premises licensee that is located within the area designated by the Board for the designated outdoor  
 382 refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area  
 383 designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses  
 384 not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the  
 385 designated area for the designated outdoor refreshment area, the Board shall consult with the locality.  
 386 Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any  
 387 event shall not exceed three consecutive days. However, the Board may increase the frequency and duration  
 388 of events after adoption of an ordinance by a locality requesting such increase in frequency and duration.  
 389 Such ordinance shall include the size and scope of the area within which such events will be held, a public  
 390 safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of  
 391 events that may be held shall not apply during the effective dates of any rule, regulation, or order that is  
 392 issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively  
 393 reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall  
 394 be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to  
 395 the Board regarding the days and times during which the privileges of the license will be exercised. Only  
 396 alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area  
 397 may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar  
 398 disposable containers that clearly display the name or logo of the retail on-premises licensee from which the  
 399 alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the  
 400 designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post  
 401 appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical  
 402 barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide  
 403 adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board  
 404 regulations.

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

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

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

426 E. The Board may grant a marketplace license to persons operating a business enterprise of which the  
 427 primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve  
 428 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations

429 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two  
430 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer  
431 for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the  
432 applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to  
433 create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services;  
434 (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager  
435 on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training  
436 requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed  
437 wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether  
438 to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the  
439 business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation;  
440 and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and  
441 welfare.

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

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

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

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

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

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

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