

22103896D

HOUSE BILL NO. 455

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 2.2-3705.3, 4.1-103, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia, relating to casino gaming; sale and consumption of alcoholic beverages in casino gaming establishments; casino employees; wagers, accounting and games.

Patron—Knight

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.3, 4.1-103, 4.1-201.1, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-231.1, 4.1-233.1, 4.1-325, 58.1-4100, 58.1-4120, and 58.1-4122 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General

INTRODUCED

HB455

59 with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation
60 initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a
61 state agency or by any public institution of higher education; (vi) the committee or the auditor with
62 respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by
63 the local governing body of any county, city, or town or a school board, who by charter, ordinance, or
64 statute have responsibility for conducting an investigation of any officer, department, or program of such
65 body. Information contained in completed investigations shall be disclosed in a form that does not reveal
66 the identity of the complainants or persons supplying information to investigators. Unless disclosure is
67 excluded by this subdivision, the information disclosed shall include the agency involved, the identity of
68 the person who is the subject of the complaint, the nature of the complaint, and the actions taken to
69 resolve the complaint. If an investigation does not lead to corrective action, the identity of the person
70 who is the subject of the complaint may be released only with the consent of the subject person. Local
71 governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

72 8. The names, addresses, and telephone numbers of complainants furnished in confidence with
73 respect to an investigation of individual zoning enforcement complaints or complaints relating to the
74 Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et
75 seq.) made to a local governing body.

76 9. Records of active investigations being conducted by the Department of Criminal Justice Services
77 pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.),
78 and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

79 10. Information furnished to or prepared by the Board of Education pursuant to subsection D of
80 § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security,
81 unauthorized alteration, or improper administration of tests by local school board employees responsible
82 for the distribution or administration of the tests. However, this section shall not prohibit the disclosure
83 of such information to (i) a local school board or division superintendent for the purpose of permitting
84 such board or superintendent to consider or to take personnel action with regard to an employee or (ii)
85 any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the
86 identity of any person making a complaint or supplying information to the Board on a confidential basis
87 and (b) does not compromise the security of any test mandated by the Board.

88 11. Information contained in (i) an application for licensure or renewal of a license for teachers and
89 other school personnel, including transcripts or other documents submitted in support of an application,
90 and (ii) an active investigation conducted by or for the Board of Education related to the denial,
91 suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses
92 including investigator notes and other correspondence and information, furnished in confidence with
93 respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a)
94 application information to the applicant at his own expense or (b) investigation information to a local
95 school board or division superintendent for the purpose of permitting such board or superintendent to
96 consider or to take personnel action with regard to an employee. Information contained in completed
97 investigations shall be disclosed in a form that does not reveal the identity of any complainant or person
98 supplying information to investigators. The completed investigation information disclosed shall include
99 information regarding the school or facility involved, the identity of the person who was the subject of
100 the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an
101 investigation fails to support a complaint or does not lead to corrective action, the identity of the person
102 who was the subject of the complaint may be released only with the consent of the subject person. No
103 personally identifiable information regarding a current or former student shall be released except as
104 permitted by state or federal law.

105 12. Information provided in confidence and related to an investigation by the Attorney General under
106 Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§
107 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1
108 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been
109 inactive for more than six months shall, upon request, be disclosed provided such disclosure is not
110 otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons
111 supplying information, witnesses, or other individuals involved in the investigation.

112 13. Records of active investigations being conducted by the Department of Behavioral Health and
113 Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

114 **§ 4.1-103. General powers of Board.**

115 The Board shall have the power to:

- 116 1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
117 2. Adopt, use, and alter at will a common seal;

118 3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the
119 sale of products of, or services rendered by the Authority at rates to be determined by the Authority for
120 the purpose of providing for the payment of the expenses of the Authority;

121 4. Make and enter into all contracts and agreements necessary or incidental to the performance of its
122 duties, the furtherance of its purposes, and the execution of its powers under this title, including
123 agreements with any person or federal agency;

124 5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial
125 experts, investment bankers, superintendents, managers, and such other employees and special agents as
126 may be necessary and fix their compensation to be payable from funds made available to the Authority.
127 Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5
128 (§ 2.2-500 et seq.) of Title 2.2;

129 6. Receive and accept from any federal or private agency, foundation, corporation, association, or
130 person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive
131 and accept from the Commonwealth or any state and any municipality, county, or other political
132 subdivision thereof or from any other source aid or contributions of either money, property, or other
133 things of value, to be held, used, and applied only for the purposes for which such grants and
134 contributions may be made. All federal moneys accepted under this section shall be accepted and
135 expended by the Authority upon such terms and conditions as are prescribed by the United States and as
136 are consistent with state law, and all state moneys accepted under this section shall be expended by the
137 Authority upon such terms and conditions as are prescribed by the Commonwealth;

138 7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business
139 shall be transacted and the manner in which the powers of the Authority shall be exercised and its
140 duties performed. The Board may delegate or assign any duty or task to be performed by the Authority
141 to any officer or employee of the Authority. The Board shall remain responsible for the performance of
142 any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be
143 accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate,
144 the guidelines shall require that the Board receive summaries of actions taken. Such delegation or
145 assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties
146 and tasks;

147 8. Conduct or engage in any lawful business, activity, effort, or project consistent with the
148 Authority's purposes or necessary or convenient to exercise its powers;

149 9. Develop policies and procedures generally applicable to the procurement of goods, services, and
150 construction, based upon competitive principles;

151 10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of
152 Title 2.2;

153 11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm
154 wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its
155 possession for sale;

156 12. Buy and sell any mixers;

157 13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international
158 trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass),
159 and 25 (clothing);

160 14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

161 15. Determine, subject to § 4.1-121, the localities within which government stores shall be
162 established or operated and the location of such stores;

163 16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic
164 beverages to and from such warehouses;

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

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

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

182 crystalline alcohol;

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

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

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

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

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

207 25. Assess and collect civil penalties and civil charges for violations of this title and Board
208 regulations;

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

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

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

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

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

217 31. Impose a requirement that a mixed beverage restaurant casino licensee located on the premises of
218 and operated by a casino gaming establishment pursuant to subdivision A 15 of § 4.1-206.3 pay for any
219 cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

220 32. Do all acts necessary or advisable to carry out the purposes of this title.

221 **§ 4.1-201.1. Conduct not prohibited by this title; tastings conducted by manufacturers, wine or**
222 **beer wholesalers, and authorized representatives.**

223 A. Manufacturers of alcoholic beverages, whether or not licensed in the Commonwealth, and wine or
224 beer wholesalers may conduct tastings of wine, beer, or spirits within hotels, restaurants, casinos, and
225 clubs licensed for on-premises consumption provided:

226 1. The tastings are conducted only by (i) employees of such manufacturers or wholesalers or (ii)
227 authorized representatives of such manufacturers or wholesalers, which authorized representatives have
228 obtained a permit in accordance with subdivision A 14 of § 4.1-212;

229 2. Such employees or authorized representatives are present while the tastings are being conducted;

230 3. No category of alcoholic beverage products is offered to consumers unless the retail licensee on
231 whose premises the tasting is conducted is licensed to sell that category of alcoholic beverage product;

232 4. All alcoholic beverage products used in the tasting are served to the consumer by employees of
233 the retail licensee;

234 5. The quantity of wine, beer, or spirits provided to any person during the tasting does not exceed 16
235 ounces of beer, six ounces of wine, or one and one-half ounces of spirits; however, for any spirits
236 tastings, no single sample shall exceed one-half ounce of spirits, unless served as a mixed beverage, in
237 which case a single sample of spirits may contain up to one and one-half ounces of spirits; and

238 6. All alcoholic beverage products used in the tasting are purchased from the retail licensee on whose
239 premises the tasting is conducted; except that no more than \$100 may be expended by or on behalf of
240 any such manufacturer or wholesaler at any retail licensed premises during any 24-hour period. For the
241 purposes of this subdivision, the \$100 limitation shall be exclusive of taxes and gratuities, which
242 gratuities may not exceed 20 percent of the cost of the alcoholic beverages, including taxes, for the
243 alcoholic beverages purchased for the tasting.

B. Manufacturers, wholesalers, and their authorized representatives shall keep complete records of each tasting authorized by this section for a period of not less than two years, which records shall include the date and place of each tasting conducted and the dollar amount expended by the manufacturer, wholesaler, or his agent or representative in the purchase of the alcoholic beverages used in the tasting.

C. Manufacturers and wholesalers shall be held liable for any violation of this section committed by their employees or authorized representative in connection with their employment or representation at any tasting event.

§ 4.1-206.3. (Effective until July 1, 2022) Retail licenses.

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

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

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

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

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

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

If the restaurant is located on the premises of a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such license shall authorize

305 *the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the*
306 *restaurant during all hours of operation of the casino gaming establishment. Any alcoholic beverages*
307 *purchased from a restaurant on the premises of a casino gaming establishment may be (i) removed from*
308 *the premises of the licensee and taken into the casino gaming establishment and (ii) possessed or*
309 *consumed in areas designated by the Board, after consultation with the casino gaming establishment.*
310 *Designated areas may include any areas of the casino gaming establishment, including entertainment*
311 *venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages*
312 *purchased from a restaurant pursuant to this subdivision shall be contained in glassware, paper, plastic,*
313 *or similar disposable container that clearly displays the name or logo of the restaurant from which the*
314 *alcoholic beverage was purchased.*

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

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

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

332 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
333 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
334 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
335 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
336 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air
337 carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same
338 airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the
339 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express
340 carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the
341 inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be
342 delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records
343 of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The
344 granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a
345 license to sell and serve wine and beer for on-premises consumption or in closed containers for
346 off-premises consumption; however, the licensee shall be required to pay the local fee required for such
347 additional license pursuant to § 4.1-233.1.

348 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell
349 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans,
350 during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in
351 all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for
352 on-premises consumption. Such license may be granted to persons operating food concessions at an
353 outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River
354 and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon
355 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
356 beverages on the premises in all areas and locations covered by the license. The granting of a license
357 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and
358 serve wine and beer for on-premises consumption or in closed containers for off-premises consumption;
359 however, the licensee shall be required to pay the local fee required for such additional license pursuant
360 to § 4.1-233.1.

361 6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve
362 dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs
363 shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining
364 areas of the restaurant or off-premises consumption. Such license may be granted only to persons who
365 operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with
366 the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food

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

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

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

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

428 § 4.1-233.1.

429 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in
430 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
431 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
432 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
433 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
434 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
435 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"
436 includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more
437 than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor
438 dining areas are under the control of the licensee and approved by the Board. Such noncontiguous
439 designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of
440 § 4.1-201.

441 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under
442 § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the
443 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide
444 member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any
445 bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in
446 any way by the licensee. The privileges of this license shall be limited to the premises of the museum,
447 regularly occupied and utilized as such.

448 11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
449 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
450 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly
451 or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the
452 licensee's premises designated by the Board that are regularly occupied and utilized for motor car
453 sporting events.

454 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
455 association governing a commercial lifestyle center, which shall authorize any retail on-premises
456 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
457 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion
458 of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
459 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
460 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of
461 such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail
462 on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle
463 center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers
464 with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed.
465 Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center
466 licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of
467 the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall
468 provide adequate security for the licensed premises to ensure compliance with the applicable provisions
469 of this title and Board regulations.

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

486 14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or
487 association operating either a performing arts facility or an art education and exhibition facility; (ii) a
488 nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and
489 objects significant in American history and culture; (iii) persons operating an agricultural event and

entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve alcoholic beverages for on-premises consumption on the premises of the casino gaming establishment in areas designated by the Board, after consultation with the casino gaming establishment, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary alcoholic beverages to patrons for on-premises consumption in private areas or restricted access areas as determined by the Board, after consultation with the casino gaming establishment. Designated areas may include any areas of the casino gaming establishment, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee shall be authorized to sell and serve alcoholic beverages for on-premises consumption on the premises during all hours of operation of the casino gaming establishment. Such license shall not permit a mixed beverage casino licensee to sell wine and beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.*

A mixed beverage casino licensee may provide players gifts of alcoholic beverages in closed containers for personal consumption and may enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

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

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

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

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

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

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

559 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
560 during the performance of any event to patrons within all seating areas, concourses, walkways, or
561 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
562 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
563 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his
564 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
565 license. Such licenses may be granted to persons operating food concessions at any outdoor performing
566 arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is
567 located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more
568 than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania,
569 or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than
570 9,500 persons and is located in Henrico County.

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

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

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

596 9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises
597 consumption or in closed containers for off-premises consumption in areas approved by the Board. Such
598 licenses may be granted to persons operating a nonprofit museum exempt from taxation under §
599 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating
600 the consuming public about historic beer products. The privileges of this license shall be limited to the
601 premises of the museum, regularly occupied and utilized as such.

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

603 1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store,
604 delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as
605 defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and
606 beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308,
607 to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for
608 on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of
609 wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day.
610 The licensee may also give samples of wine and beer in designated areas at events held by the licensee
611 for the purpose of featuring and educating the consuming public about the alcoholic beverages being
612 tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale

licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

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

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

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

1. Per-day event licenses.

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

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

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

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

2. Annual licenses.

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

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be

674 other than a volunteer fire or volunteer emergency medical services agency station, provided such other
675 premises are occupied and under the control of the volunteer fire department or volunteer emergency
676 medical services agency while the privileges of its license are being exercised.

677 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
678 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
679 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
680 any permanent retail on-premises licensee that is located within the area designated by the Board for the
681 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
682 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
683 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
684 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
685 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16
686 events per year, and the duration of any event shall not exceed three consecutive days. However, the
687 Board may increase the frequency and duration of events after adoption of an ordinance by a locality
688 requesting such increase in frequency and duration. Such ordinance shall include the size and scope of
689 the area within which such events will be held, a public safety plan, and any other considerations
690 deemed necessary by the Board. Such limitations on the number of events that may be held shall not
691 apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State
692 Health Commissioner to meet a public health emergency and that effectively reduces allowable
693 restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all
694 other applicable provisions of this title and Board regulations and shall provide notice to the Board
695 regarding the days and times during which the privileges of the license will be exercised. Only alcoholic
696 beverages purchased from permanent retail on-premises licensees located within the designated area may
697 be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
698 disposable containers that clearly display the name or logo of the retail on-premises licensee from which
699 the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way
700 by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee
701 shall post appropriate signage clearly demarcating for the public the boundaries of the event; however,
702 no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee
703 shall provide adequate security for the event to ensure compliance with the applicable provisions of this
704 title and Board regulations.

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

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

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

727 E. The Board may grant a marketplace license to persons operating a business enterprise of which
728 the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve
729 complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations
730 imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or
731 two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such
732 customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace
733 license, the applicant's business enterprise must (i) provide a single category of goods or services in a
734 manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in
735 such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an

alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

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

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

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

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

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

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

§ 4.1-206.3. (Effective July 1, 2022) Retail licenses.

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

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

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

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also

797 authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell
798 spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or
799 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no
800 food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and
801 located on another portion of the premises of the same hotel or motel building, this fact shall not
802 prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's
803 gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its
804 members and guests and consumed on the premises shall amount to at least 45 percent of its gross
805 receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club
806 shall be excluded in any consideration of the qualifications of such restaurant for a license from the
807 Board.

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

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

822 *If the restaurant is located on the premises of a casino gaming establishment owned by an operator*
823 *licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such license shall authorize*
824 *the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the*
825 *restaurant during all hours of operation of the casino gaming establishment. Any alcoholic beverages*
826 *purchased from a restaurant on the premises of a casino gaming establishment may be (i) removed from*
827 *the premises of the licensee and taken into the casino gaming establishment and (ii) possessed or*
828 *consumed in areas designated by the Board, after consultation with the casino gaming establishment.*
829 *Designated areas may include any areas of the casino gaming establishment, including entertainment*
830 *venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages*
831 *purchased from a restaurant pursuant to this subdivision shall be contained in glassware, paper, plastic,*
832 *or similar disposable container that clearly displays the name or logo of the restaurant from which the*
833 *alcoholic beverage was purchased.*

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

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

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

851 4. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train,
852 boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in
853 the Commonwealth to passengers while in transit aboard any such common carrier, and in designated
854 rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its
855 airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air
856 carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same
857 airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the
858 alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express

859 carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the
860 inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be
861 delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records
862 of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The
863 granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a
864 license to sell and serve wine and beer for on-premises consumption or in closed containers for
865 off-premises consumption; however, the licensee shall be required to pay the local fee required for such
866 additional license pursuant to § 4.1-233.1.

867 5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell
868 mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans,
869 during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in
870 all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for
871 on-premises consumption. Such license may be granted to persons operating food concessions at an
872 outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River
873 and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon
874 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic
875 beverages on the premises in all areas and locations covered by the license. The granting of a license
876 pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and
877 serve wine and beer for on-premises consumption or in closed containers for off-premises consumption;
878 however, the licensee shall be required to pay the local fee required for such additional license pursuant
879 to § 4.1-233.1.

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

890 7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to
891 sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable
892 containers or in single original metal cans for on-premises consumption in all seating areas, concourses,
893 walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by
894 the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and
895 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
896 licensee shall be required to pay the local fee required for such additional license pursuant to
897 § 4.1-233.1. Such licenses may be granted to the following:

898 a. Corporations or associations operating a performing arts facility, provided the performing arts
899 facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide
900 lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated
901 in accordance with historic preservation standards;

902 b. Persons operating food concessions at any performing arts facility located in the City of Norfolk
903 or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide
904 long-term lease or concession agreement, the original term of which was more than five years; (ii) has a
905 capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation
906 standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed
907 on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly
908 minimum established by Board regulations for mixed beverage restaurants;

909 c. Persons operating food concessions at any performing arts facility located in the City of
910 Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease
911 or concession agreement, the original term of which was more than five years; (ii) has a total capacity
912 in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation
913 standards;

914 d. Persons operating food concessions at any performing arts facility located in the arts and cultural
915 district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a
916 bona fide long-term lease or concession agreement, the original term of which was more than five years;
917 (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross
918 receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic
919 beverages served on the premises that meet or exceed the monthly minimum established by Board

920 regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

921 e. Persons operating food concessions at any multipurpose theater located in the historical district of
922 the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity
923 and (ii) has a total capacity in excess of 100 patrons;

924 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
925 facility that has seating for more than 20,000 persons and is located in Prince William County or the
926 City of Virginia Beach;

927 g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar
928 facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City
929 of Portsmouth; or

930 h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax
931 County, provided that the corporate and performing arts facility (i) is occupied under a bona fide
932 long-term lease, management, or concession agreement, the original term of which was more than one
933 year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the
934 dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the
935 licensed premises approved by the Board.

936 8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any
937 restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to
938 subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and
939 which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed
940 beverage caterer at the same business premises designated in the license, with a common alcoholic
941 beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the
942 separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision
943 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to
944 this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and
945 beer for on-premises consumption or in closed containers for off-premises consumption; however, the
946 licensee shall be required to pay the local fee required for such additional license pursuant to
947 § 4.1-233.1.

948 9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in
949 dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is
950 being provided, with or without meals, for on-premises consumption only in such rooms and areas, and
951 without regard to the amount of gross receipts from the sale of food prepared and consumed on the
952 premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom
953 overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas
954 of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas"
955 includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more
956 than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor
957 dining areas are under the control of the licensee and approved by the Board. Such noncontiguous
958 designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of
959 § 4.1-201.

960 10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under
961 § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the
962 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide
963 member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any
964 bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in
965 any way by the licensee. The privileges of this license shall be limited to the premises of the museum,
966 regularly occupied and utilized as such.

967 11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the
968 consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof
969 during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly
970 or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the
971 licensee's premises designated by the Board that are regularly occupied and utilized for motor car
972 sporting events.

973 12. Commercial lifestyle center licenses, which may be issued only to a commercial owners'
974 association governing a commercial lifestyle center, which shall authorize any retail on-premises
975 restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any
976 bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion
977 of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas,
978 seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant
979 location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of
980 such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail
981 on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle

center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

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

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

15. *Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve alcoholic beverages for on-premises consumption on the premises of the casino gaming establishment in areas designated by the Board, after consultation with the licensee, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, and (ii) provide complimentary alcoholic beverages to patrons for on-premises consumption in private areas or restricted access areas as determined by the Board, after consultation with the licensee. Designated areas may include any areas of the casino gaming establishment, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee shall be authorized to sell and serve alcoholic beverages for on-premises consumption on the premises during all hours of operation of the casino gaming establishment. Such license shall not permit a mixed beverage casino licensee to sell wine and beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.*

A mixed beverage casino licensee may provide players gifts of alcoholic beverages in closed containers for personal consumption and may enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

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

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

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without

1043 meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest
1044 rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and
1045 areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may
1046 authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed
1047 appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and
1048 consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to
1049 persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or
1050 areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed
1051 on the premises, provided that at least one meal is provided each day by the hotel to such guests. With
1052 regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as
1053 continuing care communities that are also licensed by the Board under this subdivision, any resident
1054 may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic
1055 beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other
1056 designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises,
1057 which may have more than one means of ingress and egress to an adjacent public thoroughfare,
1058 provided that such outdoor dining areas are under the control of the licensee and approved by the Board.
1059 Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to
1060 subdivision A 5 of § 4.1-201.

1061 2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for
1062 their on-premises consumption only in such rooms, provided the consent of the patient's attending
1063 physician is first obtained or (ii) in closed containers for off-premises consumption.

1064 3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises
1065 consumption or in closed containers for off-premises consumption. No license shall be granted unless (i)
1066 the grocery store is located in any town or in a rural area outside the corporate limits of any city or
1067 town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment
1068 exists and that public convenience and the purposes of this title will be promoted by granting the
1069 license.

1070 4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer
1071 during any event and immediately subsequent thereto to patrons within all seating areas, concourses,
1072 walkways, concession areas, and additional locations designated by the Board (i) in closed containers for
1073 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
1074 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
1075 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
1076 covered by the license. Such licenses may be granted to persons operating food concessions at
1077 coliseums, stadiums, racetracks, or similar facilities.

1078 5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer
1079 during the performance of any event to patrons within all seating areas, concourses, walkways, or
1080 concession areas, or other areas approved by the Board (i) in closed containers for off-premises
1081 consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for
1082 on-premises consumption. Upon authorization of the licensee, any person may keep and consume his
1083 own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the
1084 license. Such licenses may be granted to persons operating food concessions at any outdoor performing
1085 arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is
1086 located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more
1087 than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania,
1088 or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than
1089 9,500 persons and is located in Henrico County.

1090 6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to
1091 patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
1092 and such additional locations designated by the Board in such facilities (i) in closed containers for
1093 off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original
1094 metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and
1095 consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations
1096 covered by the license. Such licenses may be granted to persons operating food concessions at exhibition
1097 or exposition halls, convention centers, or similar facilities located in any county operating under the
1098 urban county executive form of government or any city that is completely surrounded by such county.
1099 For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities
1100 conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000
1101 square feet of floor space.

1102 7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events
1103 to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas,
1104 dining areas, and such additional locations designated by the Board in such facilities, for on-premises

consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

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

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

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

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

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

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

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

1. Per-day event licenses.

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

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

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in

1166 any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize
1167 the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however,
1168 the licensee shall be required to pay the local fee required for such additional license pursuant to
1169 § 4.1-233.1.

1170 d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages
1171 of the type specified in the license in designated areas at events held by the licensee. A tasting license
1172 shall be issued for the purpose of featuring and educating the consuming public about the alcoholic
1173 beverages being tasted. A separate license shall be required for each day of each tasting event. No
1174 tasting license shall be required for conduct authorized by § 4.1-201.1.

1175 2. Annual licenses.

1176 a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable
1177 membership organizations that are exempt from state and federal taxation and in charge of banquets
1178 conducted exclusively for members and their guests, which shall authorize the licensee to serve wine
1179 and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such
1180 rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per
1181 calendar year. For the purposes of this subdivision, when the location named in the original application
1182 for a license is outdoors, the application may also name an alternative location in the event of inclement
1183 weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail
1184 wine and beer license.

1185 b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services
1186 agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic
1187 beverages on the premises of the licensee by any person, and bona fide members and guests thereof,
1188 otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be
1189 purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the
1190 premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency
1191 station or both, regularly occupied as such and recognized by the governing body of the county, city, or
1192 town in which it is located. Under conditions as specified by Board regulation, such premises may be
1193 other than a volunteer fire or volunteer emergency medical services agency station, provided such other
1194 premises are occupied and under the control of the volunteer fire department or volunteer emergency
1195 medical services agency while the privileges of its license are being exercised.

1196 c. Designated outdoor refreshment area licenses to a locality, business improvement district, or
1197 nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic
1198 beverages within the area designated by the Board for the designated outdoor refreshment area and (ii)
1199 any permanent retail on-premises licensee that is located within the area designated by the Board for the
1200 designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for
1201 consumption in the area designated for the designated outdoor refreshment area, including sidewalks and
1202 the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such
1203 businesses. In determining the designated area for the designated outdoor refreshment area, the Board
1204 shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16
1205 events per year, and the duration of any event shall not exceed three consecutive days. However, the
1206 Board may increase the frequency and duration of events after adoption of an ordinance by a locality
1207 requesting such increase in frequency and duration. Such ordinance shall include the size and scope of
1208 the area within which such events will be held, a public safety plan, and any other considerations
1209 deemed necessary by the Board. Such limitations on the number of events that may be held shall not
1210 apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State
1211 Health Commissioner to meet a public health emergency and that effectively reduces allowable
1212 restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all
1213 other applicable provisions of this title and Board regulations and shall provide notice to the Board
1214 regarding the days and times during which the privileges of the license will be exercised. Only alcoholic
1215 beverages purchased from permanent retail on-premises licensees located within the designated area may
1216 be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar
1217 disposable containers that clearly display the name or logo of the retail on-premises licensee from which
1218 the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way
1219 by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee
1220 shall post appropriate signage clearly demarcating for the public the boundaries of the event; however,
1221 no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee
1222 shall provide adequate security for the event to ensure compliance with the applicable provisions of this
1223 title and Board regulations.

1224 d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or
1225 charitable membership organizations that are exempt from state and federal taxation and in charge of
1226 banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve
1227 mixed beverages for on-premises consumption in areas approved by the Board on the premises of the

place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

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

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

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

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

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

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

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

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

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

1289 shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the
 1290 shipper.

1291 **§ 4.1-231.1. Fees on state licenses.**

1292 A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1293 1. Manufacturer licenses. For each:

1294 a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits,
 1295 or both, manufactured during the year in which the license is granted, \$490; if more than 5,000 gallons
 1296 but not more than 36,000 gallons manufactured during such year, \$2,725; and if more than 36,000
 1297 gallons manufactured during such year, \$4,060;

1298 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
 1299 during the year in which the license is granted, \$380; if not more than 10,000 barrels of beer
 1300 manufactured during the year in which the license is granted, \$2,350; and if more than 10,000 barrels
 1301 manufactured during such year, \$4,690;

1302 c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
 1303 license is granted, \$215, and if more than 5,000 gallons manufactured during such year, \$4,210;

1304 d. Farm winery license, \$245 for any Class A license and \$4,730 for any Class B license;

1305 e. Wine importer's license, \$460; and

1306 f. Beer importer's license, \$460.

1307 2. Wholesale licenses. For each:

1308 a. (1) Wholesale beer license, \$1,005 for any wholesaler who sells 300,000 cases of beer a year or
 1309 less, \$1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
 1310 year, and \$2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

1311 (2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be
 1312 the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the
 1313 license;

1314 b. (1) Wholesale wine license, \$240 for any wholesaler who sells 30,000 gallons of wine or less per
 1315 year, \$1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000
 1316 gallons of wine per year, \$1,845 for any wholesaler who sells more than 150,000 but not more than
 1317 300,000 gallons of wine per year, and \$2,400 for any wholesaler who sells more than 300,000 gallons
 1318 of wine per year; and

1319 (2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2,
 1320 applicable to two or more premises, the annual state license tax shall be the amount set forth in
 1321 subdivision b (1), multiplied by the number of separate locations covered by the license.

1322 3. Retail licenses — mixed beverage. For each:

1323 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
 1324 located on premises of and operated by *casinos*, hotels or motels, or other persons:

1325 (1) With a seating capacity at tables for up to 100 persons, \$1,050;

1326 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,495;

1327 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons,
 1328 \$1,980;

1329 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
 1330 \$2,500; and

1331 (5) With a seating capacity at tables for more than 1,000 persons, \$3,100;

1332 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
 1333 private, nonprofit clubs:

1334 (1) With an average yearly membership of not more than 200 resident members, \$1,250;

1335 (2) With an average yearly membership of more than 200 but not more than 500 resident members,
 1336 \$2,440; and

1337 (3) With an average yearly membership of more than 500 resident members, \$3,410;

1338 c. Mixed beverage ~~restaurant~~ *casino* license for ~~restaurants located on the premises of and operated~~
 1339 ~~by a casino gaming establishment~~, \$3,100 plus an additional \$5 for each gaming station located on the
 1340 premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station"*
 1341 *means each slot machine and each casino gaming table that is in active use, as determined annually on*
 1342 *December 31;*

1343 d. Mixed beverage caterer's license, \$1,990;

1344 e. Mixed beverage limited caterer's license, \$550;

1345 f. Mixed beverage carrier license:

1346 (1) \$520 for each of the average number of dining cars, buffet cars, or club cars operated daily in
 1347 the Commonwealth by a common carrier of passengers by train;

1348 (2) \$910 for each common carrier of passengers by boat;

1349 (3) \$520 for each common carrier of passengers by bus; and

1350 (4) \$2,360 for each license granted to a common carrier of passengers by airplane;

- 1351 g. Annual mixed beverage motor sports facility license, \$630;
 1352 h. Limited mixed beverage restaurant license:
 1353 (1) With a seating capacity at tables for up to 100 persons, \$945;
 1354 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$1,385; and
 1355 (3) With a seating capacity at tables for more than 150 persons, \$1,875;
 1356 i. Annual mixed beverage performing arts facility license, \$630;
 1357 j. Bed and breakfast license, \$100;
 1358 k. Museum license, \$260;
 1359 l. Motor car sporting event facility license, \$300;
 1360 m. Commercial lifestyle center license, \$300;
 1361 n. Mixed beverage port restaurant license, \$1,050; and
 1362 o. Annual mixed beverage special events license, \$630.
 1363 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
 1364 license, \$450.
 1365 5. Retail licenses — off-premises wine and beer. For each:
 1366 a. Retail off-premises wine and beer license, \$300;
 1367 b. Gourmet brewing shop license, \$320; and
 1368 c. Confectionery license, \$170.
 1369 6. Retail licenses — banquet, special event, and tasting licenses.
 1370 a. Per-day event licenses. For each:
 1371 (1) Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
 1372 Board pursuant to subsection A of § 4.1-215, which shall be \$100 per license;
 1373 (2) Mixed beverage special events license, \$45 for each day of each event;
 1374 (3) Mixed beverage club events license, \$35 for each day of each event; and
 1375 (4) Tasting license, \$40.
 1376 b. Annual licenses. For each:
 1377 (1) Annual banquet license, \$300;
 1378 (2) Banquet facility license, \$260;
 1379 (3) Designated outdoor refreshment area license, \$300. However, for any designated outdoor
 1380 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$3,000;
 1381 (4) Annual mixed beverage banquet license, \$630;
 1382 (5) Equine sporting event license, \$300; and
 1383 (6) Annual arts venue event license, \$300.
 1384 7. Retail licenses — marketplace. For each marketplace license, \$1,000.
 1385 8. Retail licenses — shipper, bottler, and related licenses. For each:
 1386 a. Wine and beer shipper's license, \$230;
 1387 b. Internet wine and beer retailer license, \$240;
 1388 c. Bottler license, \$1,500;
 1389 d. Fulfillment warehouse license, \$210; and
 1390 e. Marketing portal license, \$285.
 1391 9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
 1392 imposed by this section on the license for which the applicant applied.
 1393 B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be
 1394 equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by
 1395 the number of months in the license period, and then increased by five percent. Such tax shall not be
 1396 refundable, except as provided in § 4.1-232.
 1397 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
 1398 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
 1399 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
 1400 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
 1401 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
 1402 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining
 1403 the liability of a wholesale wine distributor to merchants' license taxation, and in computing the
 1404 wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases
 1405 shall be disregarded.
 1406 D. In addition to the taxes set forth in this section, a fee of \$5 may be imposed on any license
 1407 purchased in person from the Board if such license is available for purchase online.
 1408 **§ 4.1-233.1. Fees on local licenses.**
 1409 A. In addition to the state license taxes, the annual local license taxes that may be collected shall not
 1410 exceed the following sums:
 1411 1. Manufacturer licenses. For each:

- 1412 a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than
 1413 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during
 1414 such year, \$1,000; and no local license shall be required for any person who manufactures not more
 1415 than 5,000 gallons of alcohol or spirits, or both, during such license year;
- 1416 b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured
 1417 during the year in which the license is granted, \$250, and if more than 500 barrels manufactured during
 1418 such year, \$1,000;
- 1419 c. Winery license, \$50; and
 1420 d. Farm winery license, \$50.
- 1421 2. Wholesale licenses. For each:
- 1422 a. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and
 1423 b. Wholesale wine license, \$50.
- 1424 3. Retail licenses — mixed beverage. For each:
- 1425 a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants
 1426 located on premises of and operated by *casinos*, hotels or motels, or other persons:
- 1427 (1) With a seating capacity at tables for up to 100 persons, \$200;
 1428 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350;
 1429 (3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, \$500;
 1430 (4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons,
 1431 \$650; and
 1432 (5) With a seating capacity at tables for more than 1,000 persons, \$800;
- 1433 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
 1434 private, nonprofit clubs, \$350;
- 1435 c. Mixed beverage ~~restaurant~~ *casino* license for ~~restaurants located on the premises of and operated~~
 1436 ~~by a casino gaming establishment~~, \$800 plus an additional \$2 for each gaming station located on the
 1437 premises of the casino gaming establishment. *For the purposes of this subdivision, "gaming station"*
 1438 *means each slot machine and each casino gaming table that is in active use, as determined annually on*
 1439 *December 31;*
- 1440 d. Mixed beverage caterer's license, \$500;
 1441 e. Mixed beverage limited caterer's license, \$100;
 1442 f. Annual mixed beverage motor sports facility license, \$300;
 1443 g. Limited mixed beverage restaurant license:
- 1444 (1) With a seating capacity at tables for up to 100 persons, \$100;
 1445 (2) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250; or
 1446 (3) With a seating capacity at tables for more than 150 persons, \$400;
- 1447 h. Annual mixed beverage performing arts facility license, \$300;
 1448 i. Bed and breakfast license, \$40;
 1449 j. Museum license, \$10;
 1450 k. Motor car sporting event facility license, \$10;
 1451 l. Commercial lifestyle center license, \$60; and
 1452 m. Annual mixed beverage special events license, \$300.
- 1453 4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer
 1454 license issued to:
- 1455 a. Hotels, restaurants, and clubs, in a city, \$150, and in a county or town, \$37.50;
 1456 b. Hospitals, \$10;
 1457 c. Rural grocery stores, \$37.50; and
 1458 d. Historic cinema houses, \$20.
- 1459 5. Retail licenses — off-premises wine and beer. For each:
- 1460 a. Retail off-premises wine and beer license, in a city, \$150, and in a county or town, \$37.50;
 1461 b. Gourmet brewing shop license, \$150; and
 1462 c. Confectionery license, \$20.
- 1463 6. Retail licenses — banquet, special event, and tasting licenses. For each:
- 1464 a. Per-day event licenses. For each:
- 1465 (1) Banquet license, \$5 per license granted by the Board, except for banquet licenses granted by the
 1466 Board pursuant to subsection A of § 4.1-215, which shall be \$20 per license;
 1467 (2) Mixed beverage special events license, \$10 for each day of each event;
 1468 (3) Mixed beverage club events license, \$10 for each day of each event; and
 1469 (4) Tasting license, \$10.
- 1470 b. Annual licenses. For each:
- 1471 (1) Annual banquet license, \$15;
 1472 (2) Designated outdoor refreshment area license, \$60. However, for any designated outdoor
 1473 refreshment area license issued pursuant to a local ordinance, the annual fee shall be \$600;

- (3) Annual mixed beverage banquet license, \$75;
 (4) Equine sporting event license, \$10; and
 (5) Annual arts venue event license, \$10.
7. Retail licenses — marketplace. For each marketplace license, \$200.
8. Retail licenses — shipper, bottler, and related licenses. For each:
- Wine and beer shipper's license, \$10; and
 - Bottler license, \$500.
- B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.
- C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.
- The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.
- D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.
- E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.
- § 4.1-325. Prohibited acts by mixed beverage licensees; penalty.**
- A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:
- Sell or serve any alcoholic beverage other than as authorized by law;
 - Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;
 - Allow at the place described in his license the consumption of alcoholic beverages in violation of this title;
 - Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;
 - Misrepresent the brand of any alcoholic beverage sold or offered for sale;
 - Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;
 - Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;
 - Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;
 - Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;
 - Deliver or sell the contents of any container if the label, mark, or stamp has been removed or

obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises a slot machine or any prohibited gambling or gaming device, machine or apparatus, *except for any casino gaming establishment licensed pursuant to subdivision A 15 of § 4.1-206.3*;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection B of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; ~~or~~ (v) *to a casino gaming patron by any casino gaming establishment licensed pursuant to subdivision A 15 of § 4.1-206.3*; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this title on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

§ 58.1-4100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, *Mah Jongg*, *electronic table games*, *hybrid table games*, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, *or any variation of the aforementioned*

1597 games, and any other activity that is authorized by the Board as a wagering game or device under this
 1598 chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

1599 "Casino gaming establishment" means the premises, *including the entire property located at the*
 1600 *address of the licensed casino*, upon which lawful casino gaming is authorized and licensed as provided
 1601 in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

1602 "Casino gaming operator" means any person issued a license by the Board to operate a casino
 1603 gaming establishment.

1604 "Cheat" means to alter the selection criteria that determine the result of a game or the amount or
 1605 frequency of payment in a game for the purpose of obtaining an advantage for one or more participants
 1606 in a game over other participants in a game.

1607 "*Counter check*" means an interest-free negotiable instrument for a specified amount executed by a
 1608 *player and held by the casino that serves as evidence of the casino gaming patron's obligation to pay*
 1609 *the casino and that can be exchanged by the casino gaming patron for the specified amount in chips,*
 1610 *tokens, credits, electronic credits, electronic cash, or electronic cards.*

1611 "Department" means the independent agency responsible for the administration of the Virginia
 1612 Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

1613 "Director" means the Director of the Virginia Lottery.

1614 "Eligible host city" means any city described in § 58.1-4107 in which a casino gaming establishment
 1615 is authorized to be located.

1616 "Entity" means a person that is not a natural person.

1617 "Gaming operation" means the conduct of authorized casino gaming within a casino gaming
 1618 establishment.

1619 "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens,
 1620 *electronic credits, electronic cash, or electronic cards by casino gaming patrons. "Gross receipts" shall*
 1621 *not include the cash value of promotions or credits provided to and exchanged by casino gaming*
 1622 *patrons for chips, tokens, electronic credits, electronic cash, or electronic cards. "Gross receipts" shall*
 1623 *also not include uncollectable counter checks.*

1624 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as
 1625 an officer or employee and who is a dependent of the officer or employee or of whom the officer or
 1626 employee is a dependent.

1627 "Individual" means a natural person.

1628 "Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

1629 "On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a
 1630 casino gaming establishment using a computer network of both federal and nonfederal interoperable
 1631 packet-switched data networks through which the casino gaming operator may offer casino gaming to
 1632 individuals who have established an on-premises mobile casino gaming account with the casino gaming
 1633 operator and who are physically present on the premises of the casino gaming establishment, as
 1634 authorized by regulations promulgated by the Board.

1635 "Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

1636 "Person" means an individual, partnership, joint venture, association, limited liability company, stock
 1637 corporation, or nonstock corporation and includes any person that directly or indirectly controls or is
 1638 under common control with another person.

1639 "Preferred casino gaming operator" means the proposed casino gaming establishment and operator
 1640 thereof submitted by an eligible host city to the Board as an applicant for licensure.

1641 "*Prepaid access instrument*" means a system device that allows a casino gaming patron access to
 1642 *funds that have been paid in advance and can be retrieved or transferred at some point in the future*
 1643 *through such a device. In order to transfer funds for gaming purposes, a prepaid access instrument*
 1644 *shall be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used*
 1645 *in conjunction with an approved cashless wagering system or interactive gaming account.*

1646 "Principal" means any individual who solely or together with his immediate family members (i) owns
 1647 or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a
 1648 licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities
 1649 or other ownership interests of such entity, and any person who manages a gaming operation on behalf
 1650 of a licensee.

1651 "Professional sports" means the same as such term is defined in § 58.1-4030.

1652 "Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation,
 1653 stock, or other equity interest creates control of or voice in the management operations of an entity in
 1654 the manner of a security, then such interest shall be considered a security.

1655 "Sports betting" means the same as such term is defined in § 58.1-4030.

1656 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment
 1657 licensed pursuant to this chapter that is designated for sports betting.

1658 "Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming
1659 equipment, devices, or supplies, or provides any management services, to a licensee.

1660 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103
1661 that allows individuals to voluntarily exclude themselves from engaging in the activities described in
1662 subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the
1663 procedures set forth by the Board.

1664 "Youth sports" means the same as such term is defined in § 58.1-4030.

1665 **§ 58.1-4120. Consideration of service permit application.**

1666 A. The Department shall promptly consider any application for a service permit and issue or deny
1667 such service permit on the basis of the information in the application and all other information provided,
1668 including any investigation it considers appropriate. If an application for a service permit is approved,
1669 the Department shall issue a service permit containing such information as the Department considers
1670 appropriate.

1671 B. The Department shall deny the application and refuse to issue the service permit, which denial
1672 shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service
1673 permit to such applicant would not be in the best interests of the Commonwealth or would reflect
1674 negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1675 1. Has knowingly made a false statement of a material fact in the application or has deliberately
1676 failed to disclose any information requested by the Department;

1677 2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming
1678 operations in the Commonwealth or any other state;

1679 3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated
1680 hereunder;

1681 4. Has had a service permit to engage in activity related to casino gaming denied for cause,
1682 suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or
1683 revocation is still in effect;

1684 5. Is unqualified to perform the duties required for the service permit sought; or

1685 6. Has been convicted of a misdemeanor or felony involving unlawful conduct of wagering,
1686 fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery,
1687 embezzlement, distribution or possession of drugs, *excluding misdemeanor possession of marijuana*, or
1688 any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming
1689 in the Commonwealth.

1690 C. The Department may refuse to issue a service permit if for any reason it determines the granting
1691 of such service permit is not consistent with the provisions of this chapter or its responsibilities or any
1692 regulations promulgated by any other agency of the Commonwealth.

1693 **§ 58.1-4122. Conduct of casino gaming.**

1694 A. Casino gaming may be conducted by licensed operators, subject to the following:

1695 1. Minimum and maximum wagers on games shall be set by Department regulations.

1696 2. Agents of the Department, the Department of State Police, and the local law-enforcement and fire
1697 departments may enter any casino gaming establishment and inspect such facility at any time for the
1698 purpose of determining compliance with this chapter and other applicable fire prevention and safety
1699 laws.

1700 3. Employees of the Department shall have the right to be present in any facilities under the control
1701 of the licensee.

1702 4. Gaming equipment, devices, and supplies customarily used in conducting casino gaming shall be
1703 purchased or leased only from suppliers holding permits for such purpose under this chapter.

1704 5. Persons licensed under this chapter shall permit no form of wagering on games except as
1705 permitted by this chapter.

1706 6. Wagers may be received only from a person present at the licensed casino gaming establishment.
1707 No person present at such facility shall place or attempt to place a wager on behalf of another person
1708 who is not present at the facility.

1709 7. No person under age 21 shall be permitted to make a wager under this chapter or be present
1710 where casino gaming is being conducted. *A licensee or permit holder may employ persons between the*
1711 *ages of 18 and 21 for positions in nongaming areas and such employees may traverse the gaming floor,*
1712 *while on duty.*

1713 8. No person shall place or accept a wager on youth sports.

1714 9. No licensee or permit holder shall accept postdated checks in payment for participation in any
1715 gaming operation. No licensee or permit holder, or any person on the premises of a casino gaming
1716 establishment, shall extend lines of credit or accept any credit card or other electronic fund transfer in
1717 payment for participation in any gaming operation. *A licensee or permit holder may accept prepaid*
1718 *access instruments. In order to transfer funds for gaming purposes, a prepaid access instrument must be*
1719 *redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in*

1720 conjunction with an approved cashless wagering system or interactive gaming account. A licensee or
1721 permit holder may issue interest-free counter checks to a player provided (i) the player submits an
1722 application and (ii) the licensee or permit holder verifies funds sufficient to cover the face value of the
1723 counter check. Such counter checks shall be subject to the tax reporting requirements under state and
1724 federal law. Nothing shall preclude a player from making a wire transfer to licensees or permit holders.

1725 B. Casino gaming wagers shall be conducted only with tokens, chips, *electronic credits*, *electronic*
1726 *cash*, or electronic cards purchased from a licensed casino gaming operator. *The conversion of cash to*
1727 *tokens, chips, credits, electronic credits, electronic cash, or electronic cards at a slot machine or any*
1728 *other casino game is permissible and does not constitute conducting a wager.* Such tokens, chips,
1729 *credits, electronic credits, electronic cash,* or electronic cards may be used only for the purpose of (i)
1730 making wagers on games ~~or~~, (ii) *redeeming for cash or check, or* (iii) making a donation to a charitable
1731 entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code, provided that the
1732 donated tokens, chips, *credits, electronic credits, electronic cash,* or electronic cards are redeemed by the
1733 same charitable entity accepting the donation. The provisions of this subsection shall not apply to sports
1734 betting in a sports betting facility, which may be conducted using cash.

1735 2. That any mixed beverage restaurant licensee located on the premises of and operated by a
1736 casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of
1737 Chapter 41 of Title 58.1 of the Code of Virginia, that prior to July 1, 2022, holds a valid license
1738 granted by the Board of Directors of the Virginia Alcoholic Beverage Control Authority in
1739 accordance with Title 4.1 of the Code of Virginia shall be allowed to operate with the privileges of
1740 a mixed beverage casino license as created by the first enactment of this act, and any subsequent
1741 regulations promulgated pursuant thereto, until such time as the casino gaming establishment is
1742 issued a casino license pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, or
1743 July 1, 2023, whichever comes first.

1744 3. That the Board of Directors of the Virginia Alcohol Beverage Control Authority (the Board)
1745 may promulgate regulations as necessary for implementing the provisions of this act to be effective
1746 no later than October 1, 2022. The Board shall consult with operators licensed under Article 3
1747 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1 of the Code of Virginia in promulgating such
1748 regulations. The Board's initial adoption of regulations shall be exempt from the Administrative
1749 Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an
1750 opportunity for public comment on the regulations prior to adoption. The Board shall complete
1751 work on such regulations to be effective no later than October 1, 2022.