

| TYPE OF RETAIL LICENSE   | DOLLAR SALES  | TYPE OF SALE   | LIMITATIONS ON LICENSE  | SELL/GIVE / BROWN BAG* | WHERE CONSUMED  | ELIGIBLE FOR DELIVERY PERMIT OR SHIPPERS LICENSE | COMMENTS  |
|--|---|--|---|------------------------|---|--|---|
| <b>ON-PREMISES LICENSES:</b>   |   |  |   |                        |   |  |   |
| <b>BEER:</b>   |   |  |   |                        |   |  |   |
| hotels, restaurants, clubs (4.1-208(5)(a))   | restaurants and hotels: total monthly food sales for consumption in dining areas not less than \$2,000. (3 VAC 5-50-110(C)) | hotels: meals with entrees and other food prepared on the premises<br>restaurants: an establishment habitually selling food prepared on the premises (3 VAC 5-50-110(C)) | restaurant: means an establishment habitually selling food prepared on the premises.<br>hotel: must be (1) duly licensed establishment with four or more bedrooms, habitually furnishing lodging to persons and (2) habitually selling meals with entrees and other foods prepared on premises and sold substantially during all hours that wine and beer are offered for sale. (3 VAC 5-50-110(C)) | Sell                   | 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.                        | NO   | restaurant and hotel: the board may grant a license to an establishment not meeting the dollar sales requirement, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |
| trains- (dining, buffet, and club cars) (4.1-208(5)(b))  | None  | food and refreshments  | "dining car, buffet car, or club car" is defined as a vehicle operated by a common carrier of passengers by rail, in interstate or intrastate commerce and in which food and refreshments are sold. (3 VAC 5-50-110(A)(2))  | Sell                   | dining cars, buffet cars, and club cars so operated by them when carrying passengers.   | NO   |   |
| boats-(sight-seeing, special or charter boats) (4.1-208(5)(c))   | total monthly food sales for consumption on premises not less than \$2,000. (3 VAC 5-50-110(C))                             | food is regularly sold at substantially all hours that beer is offered for sale  | Boats- must be common carrier with a certificate from the SCC and boat must habitually sell food substantially all hours that wine and beer are offered for sale. (3 VAC 5-50-110(C))   | Sell                   | boats operated by the licensee when carrying passengers   | NO   | restaurant and hotel: the board may grant a license to an establishment not meeting the dollar sales requirement, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |
| rural grocery stores (4.1-208(5)(d))   |   | edible items, including a variety of staple foodstuffs used in the preparation of meals  | 1. in any town or rural area outside the corporate limits of any city or town<br>2. only granted if 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  | Sell                   | in the establishment  | NO   |   |
| food concessions @ professn'l sporting venues (coliseums, stadia, or similar facilities) (4.1-208(5)(e))       | None  | food, type not regulated by ABC  | must be served in paper, plastic, or similar disposable containers  | Sell and Brown Bag     | during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board | NO   |   |
| food concessions @ outdoor performing arts venues (amphitheater, arena, or similar facilities) (4.1-208(5)(f)) | None  | food, type not regulated by ABC  | 1. must have seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, or Rockingham Counties<br>2. must be served in paper, plastic, or similar disposable containers  | Sell and Brown Bag     | during performance of any event to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities  | NO   |   |

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| food concessions @ exhibition or exposition halls, convention centers or similar facilities (4.1-208(5)(g)) | None  | food, type not regulated by ABC  | 1. must be in a county operating under the urban county executive form of government or any city which is completely surrounded by such county (Alexandria, Fairfax, and Falls Church)<br>2. must be served in paper, plastic, or similar disposable containers  | Sell and Brown Bag                                      | to patrons or attendees within all seating areas, exhibition areas concourses, walkways, concession areas and additional locations designated by the Board                        | NO   | defines exhibition hall and convention center as having indoor facilities in excess of 100,000 sq. ft.   |
| <b>WINE AND BEER</b>  |   |  |  |   |   |  |  |
| hotels, restaurants, and clubs (4.1-209(A)(1)(a))   | <b>restaurants and hotels:</b> total monthly food sales for consumption in dining areas not less than \$2,000 and at least \$1,000 of the required monthly sales must be in the form of meals with entrees. (3 VAC 5-50-110(B)) | <b>restaurant:</b> bona fide dining establishment habitually selling meals with entrees and other foods prepared on the premises<br><b>hotels:</b> meals with entrees and other food prepared on the premises<br><b>restaurants and hotels:</b> meals or other foods are regularly sold at substantially all hours that wine and beer are offered for sale (3 VAC 5-50-110(B)) | 1. <b>resort complex:</b> the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board.<br>2. <b>limited service hotel:</b> 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<br>3. <b>continuing care communities:</b> 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 | Sell (Brown Bag allowed in continuing care communities) | 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.                        | NO   | <b>restaurant and hotel:</b> the board may grant a license to an establishment not meeting the dollar sales requirement, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |
| trains- (dining, buffet, and club cars) (4.1-209(A)(1)(b))  | None  | food and refreshments  | "dining car, buffet car, or club car" is defined as a vehicle operated by a common carrier of passengers by rail, in interstate or intrastate commerce and in which food and refreshments are sold. (3 VAC 5-50-110(A)(2))   | Sell  | in dining cars, buffet cars, and club cars so operated by the licensee when carrying passengers.  | NO   |  |
| boats- (sight-seeing, special or charter boats) (4.1-209(A)(1)(c))  | Total monthly food sales for consumption on premises not less than \$2,000. (3 VAC 5-50-110(B)(1))  | habitually serving food and meals or other foods are regularly sold at substantially all hours that wine and beer are offered for sale (3 VAC 5-50-110(B))   | Boats- must be common carrier with a certificate from the SCC and boat must habitually sell food substantially all hours that wine and beer are offered for sale. (3 VAC 5-50-110(B))  | Sell  | in such boats operated by the licensee when carrying passengers   | NO   | <b>restaurant and hotel:</b> the board may grant a license to an establishment not meeting the dollar sales requirement, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |
| air carriers of passengers (4.1-209(A)(1)(d))   | None  | None   |  | Sell  | airplanes and designated rooms at airports  | NO   |  |
| hospitals (4.1-209(A)(1)(e))  | None  | None   | must have patient's attending physician's consent  | Sell  | room of patient   | NO   |  |
| food concessions (coliseums, stadia, racetracks, or similar facilities) (4.1-209(A)(1)(f))                  | None  | food, type not regulated by ABC  | must be served in paper, plastic, or similar disposable containers   | Sell and Brown Bag                                      | during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board | NO   |  |

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| food concessions @ <i>outdoor performing arts venues</i> (amphitheater, arena, or similar facilities) (4.1-209(A)(1)(g)) | None   | food, type not regulated by ABC   | 1. persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is located in Henrico County<br>2. must be served in paper, plastic, or similar disposable containers  | Sell and Brown Bag     | during performance of any event to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities                         | NO   |  |
| food concessions @ exhibition or exposition halls, convention centers or similar facilities (4.1-209(A)(1)(h))           | None   | food, type not regulated by ABC   | must be served in paper, plastic, or similar disposable containers   | Sell and Brown Bag     | to patrons or attendees within all seating areas, exhibition areas concourses, walkways, concession areas and additional locations designated by the Board | NO   | defines exhibition hall and convention center with indoor facilities in excess of 100,000 sq. ft.  |
| banquet (4.1-209(A)(6))  | None   | None  | 1. duly organized public or private non-profit organizations and associations in charge of special event<br>2. a separate license is needed for each day of the banquets or event<br>3. if venue is outside, application can name an alternate indoor location   | Sell or Give           | rooms or areas approved by the Board for the occasion  | NO   | banquet license tax may be waived by Board for a non-profit, subject to conditions (3 VAC 5-70-190)  |
| annual banquet (4.1-209(A)(9))   | None   | None  | 1. duly organized private non-profit fraternal, patriotic, or charitable organizations that are exempt from federal taxation and in charge of banquets conducted exclusively for its members and their guests<br>2. license is good for 12 banquets per calendar year<br>3. If venue is outside, application can name an alternate indoor location   | Give                   | rooms or areas approved by the Board for the occasion  | NO   |  |
| <b>MIXED BEVERAGES</b>   |  |   |  |                        |  |  |  |
| restaurant (4.1-210(A)(1))   | annual gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, amount to at least 45% of the gross receipts from the sale of mixed beverages and food (plus nonalcoholic beverages) served on the premises.   | The monthly sale of food prepared on the premises shall not be less than \$4,000 of which at least \$2,000 shall be in the form of meals with entrees. (3 VAC 5-50-110(D)(2)) | 1. <b>hotel with not less than four permanent rooms:</b> serve in designated areas and rooms and sell spirits packaged in original containers for consumption in bedrooms or private rooms.<br>2. <b>resort complex:</b> allows on premises consumption throughout whole resort<br>3. <b>private profit and non-profit clubs with members (and guests):</b> restaurants operated on the premises of these clubs must still meet 45% sale requirement.  | Sell                   | in dining areas and other designated areas of such restaurant  | NO   |  |
| caterer's (4.1-210(A)(2))  | 1. annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events shall amount to at least 45 % of the gross receipts from the sale of mixed beverages and food.<br>2. must have an established place of business with catering gross sales average of at least \$4,000 per month (3 VAC 5-50-170) | food, type not regulated by ABC   | 1. granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events<br>2. must have an established place of business with catering gross sales average of at least \$4,000 per month and be fully licensed as a caterer<br>3. complied with the requirements of the local governing body concerning sanitation, health, construction or equipment and who has obtained all local permits or licenses which may be required to conduct such a catering business.<br>4. the caterer shall notify the board in writing at least 24 hours in advance of any events to be catered under his license.<br>5. photocopy of the caterer's license must be present at all events at which the privileges of the license are exercised. (3 VAC 5-50-170) | Sell                   | at social gatherings and events  | NO   | 1. authorizes the purchase of spirits, vermouth and wine produced by farm wineries from the Board<br>2. authorizes the purchase of wine and cider from licensed wholesalers or farm wineries or the purchase of beer from licensed wholesalers. (3 VAC 5-50-170) |

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| limited caterer's (4.1-210(A)(3))   | annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events shall amount to at least 45% of the gross receipts from the sale of mixed beverages and food. | food, type not regulated by ABC | granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year  | Sell                   | at gatherings and events   | NO   |   |
| special events (4.1-210(A)(4))  | None   | None                            | granted to duly organized non-profit corporation or association in charge of a special event. New license required for each day of the event.  | Sell or Give           | In areas approved by the Board   | NO   | "Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose. (4.1-100) |
| annual special events (specific groups) (4.1-210(A)(5))   | None   | None                            | granted to (1) duly organized non-profit corporation or association operating a performing arts facility or (2) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture.               | Sell                   | In areas approved by the Board and on a premises occupied under a bona fide lease the original term of which was for more than one year's duration.  | NO   |   |
| common carrier (boats, trains, and airplanes) (4.1-210(A)(6))   | None   | None                            |  | Sell                   | while in transit aboard a train, boat, or airplane and in designated rooms of establishments of air carriers at airports   | NO   |   |
| club event (4.1-210(A)(7))  | None   | None                            | 4.1-210(A)(7): authorizes a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption. A separate license shall be required for each day of each club event. No more than 12 licenses shall be granted to a club in any calendar year. | Sell                   | in areas approved by the Board on the club premises.   | NO   |   |
| food concessions @ <b>certain</b> outdoor performing arts venues (amphitheater, arena, or similar facilities with seating of more than 20,000 ) (4.1-210(A)(8)) | None   | food, type not regulated by ABC | to 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   | Sell                   | during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities | NO   |   |
| food concessions @ <b>certain</b> outdoor performing arts venues (amphitheater, arena, or similar facilities with seating of more than 5,000) (4.1-210(A)(9))   | None   | food, type not regulated by ABC | to 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   | Sell                   | during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities | NO   |   |

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| food concessions @ <b>certain</b> outdoor motor sports road racing club facilities (4.1-210(A)(10)) | None  | food, type not regulated by ABC  | to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River   | Sell and Brown Bag     | in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption | NO   |          |
| annual banquet (4.1-210(A)(11))   | None  | None   | 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 its members and their guests. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year  | Sell                   | areas approved by the Board on the premises of the place designated in the license  | NO   |          |
| limited restaurant (4.1-210(A)(12))   | sale of such liqueur-based drinks shall not exceed 10 % of the total annual gross sales | meals or other food prepared on the premises and regularly sold (4.1-100)                                | Such license may be granted only to persons who operate a restaurant. Permits the restaurant to sell and serve dessert wine and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages for consumption in dining areas of the restaurant  | Sell                   | in dining areas of the restaurant   | NO   |          |
| <b>OTHER (alcoholic beverages generally)</b>  |   |  |   |                        |   |  |          |
| banquet facility (4.1-206(3))   | None  | None   | 1. alcoholic beverage may not be purchased, given, or sold by the licensee<br>2. alcoholic beverages cannot be sold or charged for in any way by the person, association, corporation or other entity permitted to use the premises;<br>3. must be a social function which is attended only by persons who are members of the association, corporation or other entity, including the fire department or rescue squad, and their bona fide guests;<br>4. must notify the board in writing at least two calendar days in advance of any affair or event at which the license will be used away from the fire department or rescue squad station. Such records of off-site affairs and events should be maintained at the fire department or rescue squad station for a period of two years;<br>5. A photocopy of the banquet facility license shall be present at all affairs or events<br>(3 VAC 5-50-180(B))   | Brown Bag              | fire or rescue station or any premises under the control of a fire or rescue squad  | NO   |          |
| bed and breakfast (4.1-206(4))  | None  | Offering at least one meal per day to each person to whom overnight lodging is provided (3 VAC 5-50-190) | 1. no more than 15 bedrooms available for rent;<br>2. must offer to the public, for compensation, transitory lodging or sleeping accommodations; and<br>3. must offer at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.<br>4. lodging, meals and service of alcoholic beverages shall be provided at one general price and no additional charges, premiums or surcharges shall be exacted for the service of alcoholic beverages.<br>5. must be a registered guest<br>6. the lodger may purchase and have available for upon arrival, any alcoholic beverages so ordered, provided that no premium or surcharge above the purchase price of the alcoholic beverages be exacted from the consumer for this accommodation purchase<br>7. no commingling with the private stock of alcoholic beverages belonging to owners of the bed and breakfast establishment.<br>(3 VAC 5-50-190) | Give                   | dining areas, private guest rooms, and other designated areas, including outside patios and terraces to persons to whom overnight lodging is being provided (3 VAC 5-50-190)  | NO   |          |

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| tasting (4.1-206(5))                  | None         | None         | must be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted and must apply for a new license for each day of the event  | Sell or Give           | designated areas at events held by the licensee  | NO   | **no license shall be issued to any person to whom issuance of a retail license is prohibited (3 VAC 5-50-221.1) |
| museum (4.1-206(6))                   | None         | None         | NA  | Give and Brown Bag     | premises of the museum, regularly occupied and used as such  | NO   |  |
| equine sporting (4.1-206(7))          | None         | None         | no more than four calendar days per year  | Brown Bag only         | premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events  | NO   |  |
| day spa (4.1-206(8))                  | None         | None         | Wine or Beer only- limited to serving not more than two five-ounce glasses of wine or one 12-ounce beer to any customer   | Give and Brown Bag     | premises of the day spa regularly occupied and utilized as such.   | NO   |  |
| motor car sporting event (4.1-206(9)) | None         | None         | NA  | Brown Bag only         | on the premises of the licensee in areas designated by the Board   | NO   |  |
| meal-assembly kitchen (4.1-206(10))   | None         | None         | Wine or Beer only- limited to serving not more than two five-ounce glasses of wine or two 12-ounce beer to any customer   | Give                   | premises of the meal assembly kitchen regularly occupied and utilized as such.   | NO   |  |
| canal boat operator (4.1-206(11))     | None         | None         | canal boat operator means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59 ii (a.k.a. Kanawha Canal, Richmond) | Brown Bag              | consumption on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. | NO   | the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages consumed.     |

**OFF-PREMISES LICENSES**

| <b>BEER</b>                              |   |  |  |      |    |                       |  |
|--|---|--|--|------|----|-----------------------|--|
| beer (4.1-208(6))                        | Delicatessen, drugstore, grocery store, and marina store- must have \$1,000 in total monthly sales and inventory of the required commodities. (3 VAC 5-50-100(B)) | <b>Required commodities:</b><br>1. Delicatessen: prepared foods or foods requiring little preparation<br>2. Drugstore: medicines and articles of home and general use<br>3. Grocery store: edible items intended for human consumption<br>4. Marina store: sells food and nautical and fishing supplies (3 VAC 5-50-100) | "edible items" shall mean such items normally used in the preparation of meals, including liquids, and which shall include a variety (at least five) of representative items from each of the basic food groups: dairy, meat, grain, vegetables and fruit. Marina store must be operated by the owner (3 VAC 5-50-100) | Sell | NA | Delivery and Shippers | Board may grant a license to an establishment not meeting the dollar sales requirement provided it affirmatively appears that there is a substantial public demand for such an establishment and that public convenience will be promoted by the issuance of the license. (3 VAC 5-50-100) |
| retail off-premises brewery (4.1-208(7)) | None  | None   | must be sold in closed containers, including growlers  | Sell | NA | Delivery and Shippers | "brew pub"   |

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| <b>WINE</b>                             |  |   |   |                        |  |  |   |
| retail off-premises winery (4.1-207(1)) | None   | None  | Authorizes the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. Such license shall authorize the licensee to (i) operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee, and (ii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board. | Sell                   | NA   | Delivery and Shippers                            |   |
| internet wine (4.1-207(6))              | None   | None  | authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § 4.1-209.1 and Board regulations  | Sell                   | NA   | NA   | no store front required, authorizes licensee to ship only   |
| <b>WINE AND BEER</b>                    |  |   |   |                        |  |  |   |
| wine and beer (4.1-209(2))              | Delicatessen, Drugstore, grocery store, convenience grocery store, and gourmet shop- must have \$2,000 in total monthly sales and inventory of the required commodities. Gourmet shop- must have \$1,000 in total monthly sales and inventory of the required commodities. (3 VAC 5-50-100(A)) | <b>Required commodities:</b><br>1. Delicatessen: prepared foods or foods requiring little preparation<br>2. Drugstore: medicines and articles of home/general use<br>3. Grocery store: edible items intended for human consumption<br>4. Convenience grocery store: edible items intended for human consumption,<br>5. Gourmet shop: products such as cheeses and gourmet foods. (3 VAC 5-50-100) | "edible items" shall mean such items normally used in the preparation of meals, including liquids, and which shall include a variety (at least five) of representative items from each of the basic food groups: dairy, meat, grain, vegetables and fruit. (3 VAC 5-50-100)   | Sell                   | NA   | Delivery and Shippers                            | Board may grant a license to an establishment not meeting the dollar sales requirement provided it affirmatively appears that there is a substantial public demand for such an establishment and that public convenience will be promoted by the issuance of the license. |
| gourmet shop (4.1-209(A)(3))            | Monthly avg. inventory and sales of \$1,000  | products such as cheeses and gourmet foods.   | Licensee may give a sample of wine not to exceed two ounces by volume or a sample of beer not to exceed four ounces by volume   | Sell                   | Samples must be consumed on premises or 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. | Delivery and Shippers                            | With the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tasting held by licensees pouring samples.   |

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| gift shop (4.1-209(7))  | alcohol sales must not exceed 25% of total annual gross sales (4.1-220)            | must be a bona fide retail store selling, predominately, (i) floral arrangements or handmade arts and crafts, which may include a combination of gifts, books, souvenirs, specialty items, collectibles, or other original and handmade products; and (ii) which is open to the public on a regular basis in a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. | 1. the board shall consider the purpose, characteristics, nature, and operation of the applicant establishment in determining whether it shall be considered a gift shop<br>2. granted only to persons who have places of business which have been in operation for no less than 12 months next preceding the filing of the application.<br>3. beverages must be unchilled (3 VAC 5-50-200) | Sell                   | NA             | deliver or ship in accordance with Title 4.1 of the Code of Virginia and regulations of the Board. (3 VAC 5-50-200) | additionally, gift shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. (3 VAC 5-50-200)  |
| gourmet brewing shop (4.1-209(8))                                 | None   | None  | may only sell ingredients for making wine or beer, including packaging, and renting to such persons facilities for manufacturing, fermenting, and bottling such wine or beer  | Sell                   | NA             | NO  |  |
| wine and beer shippers (4.1-209.1)                                | None   | None  | may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold.   | Sell                   | NA             | Shippers  |  |
| <b>ON- and OFF-PREMISES</b>                                       |  |   |   |                        |                |   |  |
| <b>BEER</b>   |  |   |   |                        |                |   |  |
| hotels, restaurants, clubs and rural grocery stores- (4.1-208(8)) | hotels and restaurants: must have monthly food sale of \$2,000 (3 VAC 5-50-110(C)) | food for consumption in dining areas  |   |                        |                | Delivery and Shippers   | <b>restaurant and hotel:</b> The board may grant a license to an establishment not meeting the qualifying figures in this section, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |
| <b>WINE</b>   |  |   |   |                        |                |   |  |
| Farm winery (4.1-207(5))  | NA   | NA  | Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption.   | Sell                   |                | Delivery and Shippers   | permits farm wineries to receive deliveries and shipments of wine not manufactured by the farm winery and sell and deliver or ship this wine to the Board or wholesale licensees for the purpose of resale   |
| <b>WINE AND BEER</b>  |  |   |   |                        |                |   |  |

| TYPE OF RETAIL LICENSE  | DOLLAR SALES  | TYPE OF SALE | LIMITATIONS ON LICENSE   | SELL/GIVE / BROWN BAG* | WHERE CONSUMED                                | ELIGIBLE FOR DELIVERY PERMIT OR SHIPPERS LICENSE | COMMENTS   |
|---|---|--------------|--|------------------------|---|--|--|
| hotels, restaurants, and clubs (4.1-209(A)(1)(a)), (4.1-209(A)(2)), and (4.1-209(A)(5)) | <b>restaurants and hotels:</b> total monthly food sales for consumption in dining areas not less than \$2,000 and at least \$1,000 of the required monthly sales must be in the form of meals with entrees. (3 VAC 5-50-110(B)) |              | <b>restaurant-</b> must be a bona-fide establishment habitually selling meals with entrees and other foods prepared on the premises and sold substantially all hours that wine and beer are offered for sale.<br><b>hotel-</b> must be (1) duly licensed establishment with four or more bedrooms, habitually furnishing lodging to persons and (2) habitually selling meals with entrees and other foods prepared on premises and sold substantially all hours that wine and beer are offered for sale. (3 VAC 5-50-110(B)) | Sell                   | May sell for off-premises consumption as well | Delivery and Shippers                            | <b>restaurant and hotel:</b> Board may grant license to an establishment not meeting the qualifying figures, provided the establishment is otherwise qualified and there is substantial public demand for such an establishment and that the public convenience will be promoted by the issuance of the license. (3 VAC 5-50-110(E)) |

**Important definitions for retail licensees and mixed beverage licensees (3 VAC 5-50-110(A))**

**Designated area** A room or area in which a licensee may exercise the privilege of his license, the location, equipment and facilities of which room or area have been approved by the board. The facilities shall be such that patrons may purchase food prepared on the premises for consumption on the premises at substantially all times that alcoholic beverages are offered for sale therein. The seating capacity of such room or area shall be included in determining eligibility qualifications for a mixed beverage restaurant.

**Habitual sales** In determining what constitutes "habitual sales" of specific foods, the board may consider the following factors, among others:  
a. The business hours observed as compared with similar type businesses;  
b. The extent to which such food or other merchandise is regularly sold; and  
c. Present and anticipated sales volume in such food or other merchandise.

**Meals** In determining what constitutes a "meal" as the term is used in this section, the board may consider the following factors, among others:  
a. The assortment of foods commonly offered for sale;  
b. The method and extent of preparation and service required; and  
c. The extent to which the food served would be considered a principal meal of the day as distinguished from a snack.

**Important definitions for mixed beverage licensees (3 VAC 5-50-110(D))**

**Bona fide, full-service restaurant** An established place of business where meals with substantial entrees are habitually sold to persons and which has adequate facilities and sufficient employees for cooking, preparing and serving such meals for consumption at tables in dining areas on the premises. In determining the qualifications of such restaurant, the board may consider the assortment of entrees and other food sold. Such restaurants shall include establishments specializing in full course meals with a single substantial entree

**Monetary sales requirements** The monthly sale of food prepared on the premises shall not be less than \$4,000 of which at least \$2,000 shall be in the form of meals with entrees

**Dining area** A public room or area in which meals are regularly sold at substantially all hours that mixed beverages are offered for sale therein

**Outside terraces or patios** An outside terrace or patio, the location, equipment and facilities of which have been approved by the board may be approved as a "dining area" or as a "designated area" in the discretion of the board. A location adjacent to a public sidewalk, street or alley will not be approved where direct access is permitted from such sidewalk, street or alley by more than one well-defined entrance therefrom. The seating capacity of an outside terrace or patio if used regularly by those operations which are seasonal in nature, shall be included in determining eligibility qualifications. For purposes of this subdivision, the term "seasonal operations" is defined as an establishment that voluntarily surrenders its license to the board for part of its license year.

**Tables and counters**  
a. A "table" shall include any article of furniture, fixture or counter generally having a flat top surface supported by legs, a pedestal or a solid base, designed to accommodate the serving of food and refreshments (though such food and refreshments need not necessarily be served together), and to provide seating for customers. If any table is located between two-backed benches, commonly known as a booth, at least one end of the structure shall be open permitting an unobstructed view therein. In no event, shall the number of individual seats at free standing tables and in booths be less than the number of individual seats at counters.

b. This subdivision shall not be applicable to a room otherwise lawfully in use for private meetings and private parties limited in attendance to members and guests of a particular group.

\* "Brown Bag" permits a person to consume lawfully acquired beverages on premises. Lawfully acquired beverages include liquor, wine, and beer

\*\* See 4.1-221.1, mainly includes wholesalers