



Circular Letter
26-01

To: Distiller Agents of the Board

Subject: On-Premises Food Requirements

Purpose: To provide guidance and clarity regarding the Virginia Alcoholic Beverage Control Authority's ("Virginia ABC") position regarding on-premises consumption and the availability of food at the location of distillery stores as required by the Code of Virginia.

Background: The General Assembly has long held the availability of food as a requirement for on-premises consumption for mixed beverage licensees. Only in limited situations wherein the licensee is restricted in other ways has the General Assembly eased or removed the requirement. Distiller licensees that are also agents of the Board are such examples. Historically, these licensees were permitted to sell or serve mixed beverages to their patrons for on-premises consumption without any food requirement; however, they were limited in that no more than three ounces of spirits could be given to any single person per day.

Senate Bill 424 ("SB424" or "the bill") was passed during the 2026 General Assembly Session. The bill, among other things, amends § 4.1-119(G) of the Code of Virginia ("Code") by increasing the amount of spirits distiller licensees appointed as agents of the Board may give or sell to any person per day from three ounces to six ounces. The bill also requires such distiller licensees to have food reasonably available *at all times when spirits are served*. The bill states, such food may be provided by food trucks, *patrons providing their own food*, or the agent of the Board. Additionally, the bill states in no ambiguous terms, that "*in no event shall spirits be served by any such agent of the Board when food is not reasonably available.*" (emphasis added)

Held: The increase in the amount of alcohol that may be served to any one individual is significant. With it comes the increased responsibility that distiller licensees that are agents of the Board ensure public safety for their patrons and other citizens of the Commonwealth. The food requirement outlined in SB424 was included in the law to promote public safety as it has been scientifically proven that food consumption mitigates the intoxicating effects of alcohol. The consumption of up to six full ounces of spirits is substantial. Distillery store licensees act as agents to the Board. Virginia ABC has a vested interest in ensuring that its agents are upholding both the law and Virginia ABC's mission to public safety. A distillery agent may only sell and/or serve alcohol for on-premises consumption to a patron if:

1. The distillery store agent has food available at the location;
2. There is a food truck at the location actively selling and serving food; or
3. The patron has his/her own food at the time of the sale.



In every situation, the “food” available must meet the definition outlined in § 4.1-119(G) of the Code. Merely providing a patron with physical or virtual menus and/or permission to have food delivered to the location shall not satisfy the specific requirements of the law. Per the law, Virginia ABC reserves the right reconsider the agreement appointing such holder of a distiller's license or its officers and employees as agents of the Board for any non-compliance with the food requirements of § 4.1-119(G). Additionally, Virginia ABC may initiate administrative proceedings against such licensee for violating the Code which may result in sanctions including and up to a suspension or revocation of the licensee’s distillers’ license.

This guidance shall remain in effect until such time as there is a statutory or regulatory update that addresses this matter. Should you have questions regarding the provisions of this Circular Letter, please contact the Special Agent in Charge located at your regional Virginia ABC office.

