



BREWERY LICENSEE BULLETIN

The information contained in this licensee bulletin is a summary of the Board's regulations and those sections of the Code of Virginia that pertain to a brewery licensee.

We recommend that brewery licensees and their employees become familiar with the material contained in this bulletin, and contact their Compliance Senior Special Agent if they have any questions related to ABC laws and regulations.

(1) The privileges of a brewery licensee are:

- The manufacture and sale of beer to wholesale beer licensees. This includes bottles, cans, and/or kegs.
- The sale of beer to persons outside Virginia for resale outside Virginia. Please contact the responsible agency for alcoholic beverage regulation in the state of receipt to ensure compliance with that state's laws.
- The sale at retail of the brands of beer owned by the brewery at the licensed premises for on and off premises consumption. All beer sold for off premises consumption must be in sealed containers, which may include growlers.
- The giving of samples of the brands of beer owned by the brewery to visitors of the brewery for consumption on the licensed premises, provided the samples are given only to persons lawfully able to consume them.
- The sale of beer in kegs to individuals, if the brewery obtains a keg permit.
- The delivery of beer owned by the brewery to individuals for their personal consumption, if the brewery obtains a delivery permit.

(2) Breweries may lend, buy for, or give to a retail licensee:

- Brand identified advertising materials made of paper, cardboard, canvas, rubber, foam, or plastic, provided that the materials have a wholesale value of \$40.00 or less per item. Items cannot be illuminated.
- Draft beer knobs containing the brand name. Draft beer knobs may not be illuminated or contain mechanical devices that are not necessary for the dispensing of draft beer.

(3) Breweries may give away brand identified novelty items:

- Items cannot exceed \$10.00 in wholesale value.
- Can be given to employees of retail licensed establishments, limited to one item per employee that is present, per visit.
- Employees may wear or display these items on the licensed premises.

- Items may not be given to patrons on the licensed brewery premises.
- Items may be given to the public only on non-retail licensed premises, except for items given to patrons of a retail establishment participating in a bona fide brewery tasting event (as outlined in #8) held on the licensed premises.

(4) Breweries may obtain a Manufacturer Beer/Wine Event license:

- For the purpose of featuring and educating the public on malt beverages.
- May sell or give beer for on premises consumption at the event.
- Cannot sell any beer for off premises consumption.
- Limited to eight licenses per calendar year.
- May be a co-holder of this license with one or more other breweries.
- Events may be held in most locations, other than on the premises of a retail licensee.

(5) Breweries may attend banquet special events conducted by charitable organizations:

- Charitable organization must obtain a one day banquet special event license.
- Brewery may attend the event/festival and assist in pouring beer, with permission of the licensee.
- Beer must be purchased by the special event licensee from a wholesaler or at the brewery, and the brewery **may not deliver** beer to the event.
- Brand identified novelty items up to \$10.00 in value **may be** distributed at the event.

(6) Breweries may attend tastings held by Gourmet Shop licensees:

- May assist with the pouring of beer and providing information.
- Limited to one 4 ounce sample per product, per person.
- Gourmet Shop licensee must purchase the beer from the wholesaler.
- Breweries may not provide any items including cups, or food items for pairings.
- Brand identified novelty items **may not** be distributed.

(7) Breweries may attend tasting events held by licensed restaurants:

- For the purpose of featuring and educating the public on the beer.
- May assist with the pouring and providing information.
- Limited to one 4 ounce sample per product, per person.
- Restaurant must purchase the beer from the wholesaler.
- Brand identified items **may not** be distributed.

(8) Breweries may conduct their own tasting events at licensed restaurants:

- May purchase up to 12 ounces of beer for each customer.
- Customer must be served directly by restaurant employees.
- No more than \$100.00 can be spent by the brewery per licensee in any 24 hour period.
- The \$100.00 limit is exclusive of 20% gratuity and taxes.
- Brewery must keep complete and accurate records of event for two years.
- Permit must be obtained if a third party is used to conduct the tasting.

(9) Breweries must obtain Virginia label approval:

- Cannot sell any beer at retail until it has Virginia label approval.
- Each manufactured product must have a separate approval.
- Also applies to beer manufactured as draft beer for sale only at the brewery.

(10) Breweries may engage in contract brewing provided that:

- The brand owner is licensed as a brewery or beer wholesaler.
- A written agreement is created between the parties.
- Records of all beer manufactured, sold, and delivered are kept.
- For beers manufactured as collaborative brews, the written agreement must state that both breweries will receive a specific portion of the manufactured product. All parties must seek and receive product approval prior to sale at their respective breweries.

(11) Do not sell any beer to persons less than 21 years of age.

(12) Do not sell any beer to persons who are intoxicated, or allow intoxicated persons to loiter on your premises.

(13) Do not keep, or allow to be kept on your licensed premises, any alcoholic beverages that you are not authorized to sell. Also do not allow your patrons to possess any alcoholic beverages not provided by your establishment.

(14) Do not allow beer sold in growlers to be consumed on your premises. This includes growlers or crowlers prefilled and stored for sale. All growlers or crowlers not filled pursuant to the customer's order must contain a label for legal sale.

(15) Do not sell or fill growlers made of unapproved materials. Growlers may be made of glass, metal, ceramic, or other materials approved by the Board. If you elect to use a material other than glass, metal, or ceramic, that specific vessel/material must be approved prior to sale and use.

(16) Do not provide any service, or give anything of value to a retail licensee, unless it is authorized by law or regulation.

(17) Do not engage in any advertising for a retail licensee.

(18) Do not fail to submit the excise tax on all beer sold at retail or given as samples. Taxes must be reported and submitted for beer transferred to the tasting room for customer sale. Wholesalers pay taxes on beer sold to them for resale to retail licensees.

(19) Do not fail to submit the monthly excise sales report on time each month.

(20) Do not fail to submit the sponsorship request form online for any sponsorship of an event. If your brewery provides funds to sporting, cultural, or charitable events in exchange for anything of value such as advertising, a sponsorship request form is required. Please contact your Compliance Senior Special Agent for further explanation.

For information on submitting label approvals, taxes and monthly tax reports, contact the Tax Management office at (804) 219-2034.

For any questions on ABC laws and regulations, you are encouraged to contact your assigned agent or call (804) 213-4632.