

# WEST VIRGINIA CODE: §64-7-1

## §64-7-1. Alcohol Beverage Control Commissioner.

The Legislature directs the Alcohol Beverage Control Commissioner to amend the legislative rule filed in the State Register on July 1, 2022, authorized under the authority of §60-2-16 of this code, relating to the Alcohol Beverage Control (private club licensing, 175 CSR 02), with the amendments set forth below:

On page 1, section 1, subsection 1.5, by striking the word "2032" and inserting in lieu thereof the word "2029".

On page 6, striking out the entirety of subdivision 2.22.3. and inserting, in lieu thereof, a new subdivision 2.22.3. to read as follows:

"2.22.3. Maintains a fresh food inventory capable of being prepared in the private club restaurant's full kitchen."

On page 7, by striking out the entirety of subdivision 2.23.3. and inserting, in lieu thereof, a new subdivision 2.23.3. to read as follows:

"2.23.3. Have one or more members operating who maintain a fresh food inventory capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen."

On page 11, by striking out the entirety of subdivision 2.28.4 and inserting, in lieu thereof, the following:

"Maintains a fresh food inventory capable of being prepared in the private manufacturer club's full kitchen."

On page 30, section 4, by striking out all of subsections 4.8 and 4.9 and inserting in lieu thereof a new subsection 4.8, to read as follows:

"4.8. Hours of operation. - The licensed premises of all private clubs shall be closed for operation and cleared of all members and guests 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have expired, except for: (i) a private resort hotel holding a license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises when also licensed under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or W. Va. Code §29-25-1 *et seq.*; (ii) members and guests staying at a private resort hotel, but the members and guests must clear any bar and restaurant areas 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have expired; and (iii) members and guests staying at a private hotel, but the members and guests must clear any bar and restaurant areas 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have

expired. Employees of the licensee shall leave the licensed premises no later than one hour after the premises are closed for operation. Licensed premises shall not be occupied by members and guests any sooner than 30 minutes prior to the hours of sale of alcoholic liquors and nonintoxicating beer, except for: (i) a private resort hotel holding a license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises when also licensed under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or W. Va. Code §29-25-1 *et seq.*; (ii) members and guests staying at a private resort hotel where the members and guests may not enter any bar and restaurant areas until 30 minutes before the hours of sale of alcoholic liquors and nonintoxicating beer; and (iii) members and guests staying at a private hotel where the members and guests may not enter any bar and restaurant areas until 30 minutes before the hours of sale of alcoholic liquors and nonintoxicating beer. Employees may not enter any bar and restaurant serving areas until one hour before the hours of sale of alcoholic liquors and nonintoxicating beer.”

And,

By renumbering the remaining subsections.