WEST VIRGINIA CODE: §64-7-1

§64-7-1. Alcohol Beverage Control Administration.

The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §60-7-10 of this code, modified by the Alcohol Beverage Control Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 11, 2025, relating to the Alcohol Beverage Control Administration (private clubs, 175 CSR 02), is authorized with the following amendment:

On page 40, by striking out 4.2 through 4.2.5 in their entirety and inserting in lieu thereof the following:

"4.2. Age for purchase of alcoholic beverages. - No licensee shall sell any alcoholic beverage or nonintoxicating beer to individuals below the age of 21 years. The licensee must verify an individual's age by requiring proof of age from at least one of the following documents certifying the age and depicting the identity of the holder of the document:

4.2.1. A valid West Virginia driver's license showing that the holder is at least 21 years of age and the photograph on the license matches the holder.

4.2.2. A valid West Virginia Commercial Driver's license (CDL) showing that the holder is at least 21 years of age and the photograph on the license matches the holder.

4.2.3. A valid West Virginia Department of Motor Vehicles (WV DMV) identification or a valid West Virginia Mobile ID issued by the WV DMV showing that the holder is at least 21 years of age and the photograph on the identification or WV Mobile ID matches the holder.

4.2.3.a. In order to accept a valid West Virginia Mobile ID, a licensee must download a West Virginia DMV approved reader/verifier application or "APP". Approved WV DMV reader/verifier APP vendors include, but are not limited to Credence mID, Idemia (Mobile ID Verify), TapID, and any other WV DMV approved reader/verifier APP vendors. Note, any other digital identification or any other photograph/copy of an identification is not an acceptable form of identification.

4.2.3.b. Utilizing a WV DMV approved reader/verifier APP that has age verification, the licensee must first confirm the validity of a holder's WV Mobile ID. A holder would need to share data with the licensee which at minimum includes their name, photo, and birthdate to complete the validation process. If a holder chooses to not share the pertinent data with the licensee, then the licensee cannot complete a sale of alcohol using the WV Mobile ID.

4.2.3.c. Upon a holder sharing the data set forth in section 4.2.3.b., a licensee using a WV DMV approved reader/verifier APP with age verification shall confirm the holder's WV Mobile ID is valid. Simultaneously, the WV DMV approved reader/verifier APP with age

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verification will verify if the holder is 21 years of age or over, or that the holder is not 21 years of age or over. Additionally, the licensee must verify the photograph on the WV Mobile ID matches the holder before completing the sale of any alcohol to a holder that is 21 years of age or older. If a holder's purported WV Mobile ID is not confirmed as valid or the holder is not 21 years of age, then the licensee cannot complete the sale of alcohol. Note, the licensee using a WV DMV approved reader/verifier APP with age verification remains responsible to confirm the proper age and identity of the holder, as with any other valid form of identification.

4.2.4. A valid driver's license from another state showing that the holder is at least 21 years of age and the photograph on the license matches the holder may be accepted if there is no indication or evidence that the license has been altered.

4.2.5. Any other valid means of satisfactory proof with picture identification showing the holder to be at least 21 years of age and the photograph on the document matches the holder, such as a valid government issued passport, United States military identification, United States VISA documents, or a United States issued permanent resident card.

The failure to produce satisfactory proof of age with a valid form of identification upon demand requires the licensee to refuse to sell alcoholic beverages to the individual."

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