



WEST VIRGINIA

ALCOHOL BEVERAGE CONTROL ADMINISTRATION

FREDRIC L. WOOTON, COMMISSIONER

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

VIA HAND DELIVERY

Mac Warner, The Honorable Secretary of State,
Secretary of State's Office – Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Re: Order of the Commissioner -

Issued pursuant to W. Va. Code §60-7-8a regarding the legislative interest in promoting tourism throughout West Virginia and HB 5294's authorization in W. Va. Code §60-7-8a for authorized wineries and farm wineries to sell wine or hard cider by the bottle for on-premises consumption, when consumed by the glass, and whether the ability of a private fair and festival (PFF) license holder to sell wine or hard cider by the bottle for on-premises consumption, when consumed by the glass.

Dear Secretary of State Warner:

With passage of HB 5294, effective May 1, 2024, this 2024 Regular Session, I became aware of an issue with certain language in the bill with respect to PFF license holders not being authorized for on premises sales of wine or hard cider by the bottle when consumed by the glass as referenced in W. Va. Code §60-7-8a(e).

In conversations with myself, various Senators, and the administration, the legislator's felt it only made common sense that if wineries and farm wineries are permitted to sell wine or hard cider by the bottle for on-premises consumption, when consumed by the glass, then PFF license holders should not be restricted and should be authorized to sell wine or hard cider by the bottle for on-premises consumption, when consumed by the glass since they are already selling wine or hard cider by the drink or glass for on-premises consumption. In speaking to the Senators, they thought this authority was in HB 5294 and again the Senators' common-sense approach to promote tourism through PFF events would be to permit such sales of wine or hard cider by the bottle for on-premises consumption, when consumed by the glass since the wineries and farm wineries were authorized to that effect.

I have reviewed HB 5294, W. Va. Code §60-7-8a, §60-7-8a(e), and §60-7-8a(i), and I exercise my authority as follows:

Effective May 17, 2024, the authority granted by the Legislature in W. Va. Code §60-7-8a(i) for the Commissioner to by order allow a waiver or exception for a PFF as the circumstances for each PFF arises, thus PFF license holders are authorized to sell wine or hard cider by the bottle for on-premises consumption, when consumed by the glass,

in addition to selling wine or hard cider for on-premises consumption by the drink or glass. All wine or hard cider must still be purchased from a licensed wine or hard cider distributor or a licensed farm winery/cidery, acting in a limited capacity as a wine or hard cider distributor.

This order granting an exception and a waiver shall stay in effect until such time as the Legislature is able to amend the W. Va. Code §60-7-8a and any other applicable code sections in a special session or the 2025 Regular Session.

Please file this Commissioner's Order in the State Register and perhaps with 175 CSR 2, Private Club licensing. If you have any further questions, please feel free to contact the WVABCA at 304-356-5500.

Sincerely,



Fredric L. Wooton
WVABCA Commissioner