



WEST VIRGINIA

ALCOHOL BEVERAGE CONTROL ADMINISTRATION

FREDRIC L. WOOTON, COMMISSIONER

July 28, 2026

VIA EMAIL

Amie Minor, Assistant Commissioner
WV Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305
Email: rulescomments@wvda.us

RE: 61 CSR 30
Select Plant-Based Derivatives and Select Plant-Based Derivative Products – Hemp

Dear Ms. Minor:

The West Virginia Alcohol Beverage Control Administration has reviewed the West Virginia Department of Agriculture's Legislative Rule 61 CSR 30 §5.6.c., for *Select Plant-Based Derivatives and Select Plant-Based Derivative Products – Hemp*. The WVABCA agrees with and supports the Department of Agriculture's changes to 61 CSR 30 §5.6.c., removing the exclusion of restaurants with on-site or take-home sales from registration requirements as hemp retailers, ensuring that the Rule is consistent with W.Va. State Code §19-12E-12(d)(1) with respect to restaurants needing a permit to sell such products.

The WVABCA requests the addition of a statement for clarity in the rule specifically requiring restaurants or other venues holding a WVABCA license to obtain a hemp retailer's permit when selling such products.

Pursuant to 175 CSR 11 §§4 and 6, the WVABCA conducts enforcement actions and notifies Agriculture of the results and provides citations. Further the statute and rule contemplate the three agencies negotiating a memorandum of understanding regarding operational details. Agriculture's proposed language at 61 CSR 30 § 10.9., could potentially put the Enforcement Agents' and Underage Operatives' safety at great risk. Thus, the WVABCA further requests that 61 CSR 30 § 10.9., be modified as follows: "The Alcohol Beverage Control Administration shall notify the Department ~~before an enforcement action occurs, when an enforcement action is occurring, and after an enforcement action is completed~~ after an enforcement action is completed as provided in 175 CSR 11 §4."

Sincerely,

Fredric L. Wooton
Commissioner

Cc: Benny Eplin, Enforcement Director, via email