

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2054**

By Delegates W. Clark and Maynor

[Introduced February 12, 2025; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §60-7-2 and §60-7-8c of the Code of West Virginia, 1931, as  
 2 amended, relating to removing the requirement that a private farmers market have two  
 3 unrelated vendors apply for a license and obtain a certification that all vendors have  
 4 agreed to liability responsibility therein; and removing the requirement that a private  
 5 farmers market provide a written copy of the agreement between all vendors  
 6 acknowledging that each vendor is jointly and severally liable for any violations.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

**ARTICLE 7. LICENSES TO PRIVATE CLUBS.**

**§60-7-2. Definitions; authorizations; requirements for certain licenses.**

1 Unless the context in which used clearly requires a different meaning, as used in this  
 2 article:

3 (1) "Applicant" means a private club applying for a license under the provisions of this  
 4 article.

5 (2) "Code" means the official Code of West Virginia, 1931, as amended.

6 (3) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.

7 (4) "Licensee" means the holder of a license to operate a private club granted under this  
 8 article, which remains unexpired, unsuspended, and unrevoked.

9 (5) "Private club" means any corporation or unincorporated association which either:

10 (A) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization  
 11 which is operated exclusively for the benefit of its members, which pays no part of its income to its  
 12 shareholders or individual members, which owns or leases a building or other premises to which  
 13 are admitted only duly-elected or approved dues-paying members in good standing of the  
 14 corporation or association and their guests while in the company of a member and to which club  
 15 the general public is not admitted, and which maintains in the building or on the premises a

16 suitable kitchen and dining facility with related equipment for serving food to members and their  
17 guests;

18 (B) Is a nonprofit social club, which is operated exclusively for the benefit of its members,  
19 which pays no part of its income to its shareholders or individual members, which owns or leases a  
20 building or other premises to which are admitted only duly-elected or approved dues-paying  
21 members in good standing of the corporation or association and their guests while in the company  
22 of a member and to which club the general public is not admitted, and which maintains in the  
23 building or on the premises a suitable kitchen and dining facility with related equipment for serving  
24 food to members and their guests;

25 (C) Is organized and operated for legitimate purposes which has at least 100 duly- elected  
26 or approved dues-paying members in good standing, which owns or leases a building or other  
27 premises, including any vessel licensed or approved by any federal agency to carry or  
28 accommodate passengers on navigable waters of this state, to which are admitted only duly-  
29 elected or approved dues-paying members in good standing of the corporation or association and  
30 their guests while in the company of a member and to which the general public is not admitted, and  
31 which club maintains in the building or on the premises a suitable kitchen and dining facility with  
32 related equipment and employs a sufficient number of persons for serving meals to members and  
33 their guests; or

34 (D) Is organized for legitimate purposes and owns or leases a building or other delimited  
35 premises in any state, county, or municipal park, or at any airport, in which a club has been  
36 established, to which are admitted only duly-elected and approved dues-paying members in good  
37 standing and their guests while in the company of a member and to which the general public is not  
38 admitted, and which maintains in connection with the club a suitable kitchen and dining facility and  
39 related equipment and employs a sufficient number of persons for serving meals in the club to the  
40 members and their guests.

41 (6) "Private bakery" means an applicant for a private club or licensed private club license

42 that has a primary function of operating a food preparation business that produces baked goods,  
43 including brownies, cookies, cupcakes, confections, muffins, breads, cakes, wedding cakes, and  
44 other baked goods where the applicant or licensee desires to sell baked goods infused with liquor,  
45 wine, or nonintoxicating beer or nonintoxicating craft beer, included: (A) In the icing, syrup, drizzle,  
46 or some other topping; (B) as an infusion where the alcohol is not processed or cooked out of the  
47 baked goods; or (C) from an infusion packet containing alcohol no greater than 10 milliliters where  
48 the purchaser adds the alcohol. This applicant or licensee may not sell liquor, wine, or  
49 nonintoxicating beer or nonintoxicating craft beer for on-premises or off-premises consumption.  
50 The applicant or licensee may sell the baked goods with alcohol added as authorized for on-  
51 premises and off-premises consumption. Further, the applicant or licensee shall:

52 (i) Have at least 50 members;

53 (ii) Operate a kitchen that produces baked goods, as specified in this subdivision, including  
54 at least: (I) A baking oven and a four-burner range or hot plate; (II) a sink with hot and cold running  
55 water; (III) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer  
56 which is not used for alcohol cold storage; (IV) baking utensils and pans, kitchen utensils, and  
57 other food consumption apparatus as determined by the commissioner; and (V) food fit for human  
58 consumption available to be served during all hours of operation on the licensed premises;

59 (iii) Maintain, at any one time, a food inventory capable of being prepared in the private  
60 bakery's kitchen. In calculating the food inventory, the commissioner shall include television  
61 dinners, bags of chips or similar products, microwavable food or meals, frozen meals, pre-  
62 packaged foods, baking items such as flour, sugar, icing, and other confectionary items, or canned  
63 prepared foods;

64 (iv) Use an age verification system approved by the commissioner for the purpose of  
65 verifying that persons under the age of 21 who are in the private bakery are not sold items  
66 containing alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine. A person  
67 under 21 years of age may enter the shop and purchase other items not containing alcoholic

68 liquors; and

69 (v) Meet and be subject to all other private club requirements.

70 (7) "Private cigar shop" means an applicant for a private club or licensed private club  
71 licensee that has a primary function of operating a cigar shop for sales of premium cigars for  
72 consumption on or off the licensed premises. Where permitted by law, indoor on-premises cigar  
73 consumption is permitted with a limited food menu, which may be met by using a private caterer,  
74 for members and guests while the private club applicant or licensee is selling and serving liquor,  
75 wine, or nonintoxicating beer or nonintoxicating craft beer for on-premises consumption. Further,  
76 the applicant or licensee shall:

77 (A) Have at least 50 members;

78 (B) Operate a cigar shop and bar with a kitchen, including at least: (i) A two-burner hot  
79 plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot  
80 refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for  
81 alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by  
82 the commissioner; and (v) food fit for human consumption available to be served during all hours  
83 of operation on the licensed premises;

84 (C) Maintain, at any one time, not less than a food inventory capable of being prepared in  
85 the private club bar's kitchen or have on hand at least \$150 in food provided by a private caterer. In  
86 calculating the food inventory, the commissioner shall include television dinners, bags of chips or  
87 similar products, microwavable food or meals, frozen meals, pre-packaged foods, or canned  
88 prepared foods;

89 (D) Use an age verification system approved by the commissioner for the purpose of  
90 verifying that persons under the age of 21 who are in the private club bar are accompanied by a  
91 parent or legal guardian, and if a person under 21 years of age is not accompanied by a parent or  
92 legal guardian, that person may not be admitted as a guest; and

93 (E) Meet and is subject to all other private club requirements.

94 (8) "Private caterer" means a licensed private club restaurant, private hotel, or private  
95 resort hotel authorized by the commissioner to cater and serve food and sell and serve alcoholic  
96 liquors, or non-intoxicating beer or non-intoxicating craft beer. A private caterer shall purchase  
97 wine sold or served at a catering event from a wine distributor. A private caterer shall purchase  
98 nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a  
99 licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet  
100 authorized to sell in the market zone, where the catering event is held. The private caterer or the  
101 persons or entity holding the catering event shall:

102 (A) Have at least 10 members and guests attending the catering event;

103 (B) Have obtained an open container waiver or have otherwise been approved by a  
104 municipality or county in which the event is being held;

105 (C) Operate a private club restaurant on a daily operating basis;

106 (D) Only use its employees, independent contractors, or volunteers to sell and serve  
107 alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer who have received certified  
108 training in verifying the legal identification, the age of a purchasing person, and the signs of visible,  
109 noticeable, and physical intoxication;

110 (E) Provide to the commissioner, at least seven days before the event is to take place:

111 (i) The name and business address of the unlicensed private venue where the private  
112 caterer is to provide food and alcohol for a catering event;

113 (ii) The name of the owner or operator of the unlicensed private venue;

114 (iii) A copy of the contract or contracts between the private caterer, the person contracting  
115 with the caterer, and the unlicensed private venue;

116 (iv) A floorplan of the unlicensed private venue to comprise the private catering premises,  
117 which shall only include spaces in buildings or rooms of an unlicensed private venue where the  
118 private caterer has control of the space for a set time period and where the space safely accounts  
119 for the ingress and egress of the stated members and guests who will be attending the private

120 catering event at the catering premises. The unlicensed private venue's floorplan during the set  
121 time period as stated in the contract shall comprise the private caterer's licensed premises, which  
122 is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating  
123 beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises:  
124 *Provided*, That the unlicensed private venue shall: (I) Be inside a building or structure; (II) have  
125 other facilities to prepare and serve food and alcohol; (III) have adequate restrooms and sufficient  
126 building facilities for the number of members and guests expected to attend the private catering  
127 event; and (IV) otherwise be in compliance with health, fire, safety, and zoning requirements;

128 (F) Not hold more than 15 private catering events per calendar year. Upon reaching the  
129 16th event, the unlicensed venue shall obtain its own private club license;

130 (G) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed  
131 venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan  
132 extension for authorization to permit alcohol and food at an outdoor event;

133 (H) Meet and be subject to all other private club requirements; and

134 (I) Use an age verification system approved by the commissioner.

135 (9) "Private club bar" means an applicant for a private club or licensed private club licensee  
136 that has a primary function for the use of the licensed premises as a bar for the sale and  
137 consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer and wine  
138 when licensed for those sales, while providing a limited food menu for members and guests, and  
139 meeting the criteria set forth in this subdivision which:

140 (A) Has at least 100 members;

141 (B) Operates a bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or  
142 microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or  
143 freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold  
144 storage; (iv) kitchen utensils and other food consumption apparatus as determined by the  
145 commissioner; and (v) food fit for human consumption available to be served during all hours of

146 operation on the licensed premises;

147 (C) Maintains, at any one time, a food inventory capable of being prepared in the private  
148 club bar's kitchen. In calculating the food inventory, the commissioner shall include television  
149 dinners, bags of chips or similar products, microwavable food or meals, frozen meals,  
150 prepackaged foods, or canned prepared foods;

151 (D) Uses an age verification system approved by the commissioner for the purpose of  
152 verifying that persons under the age of 18 who are in the private club bar are accompanied by a  
153 parent or legal guardian. If a person under 18 years of age is not accompanied by a parent or legal  
154 guardian that person may not be admitted as a guest; and

155 (E) Meets and is subject to all other private club requirements.

156 (10) "Private food truck" means an applicant for a private club, licensed private club  
157 licensee, or licensed private manufacturer's club licensee that has a primary function of operating  
158 a food preparation business using an industrial truck, van, or trailer to prepare food and meals for  
159 sale at various locations within the state while using a propane or electric generator powered  
160 kitchen. The private food truck applicant shall obtain county or municipal approval to operate for  
161 food and liquor, wine, hard cider, and nonintoxicating beer or nonintoxicating craft beer sales and  
162 service, while providing a food menu for members and guests. The private food truck applicant  
163 shall:

164 (A) Have at least 10 members;

165 (B) Operate with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or  
166 microwave oven; (ii) a sink with hot and cold running water; (iii) at least a 10 cubic foot refrigerator  
167 or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold  
168 storage; and (iv) plastic or metal kitchen utensils and other food consumption apparatus as  
169 determined by the commissioner;

170 (C) Maintain, at any one time, not less than \$200 of food inventory that is fit for human  
171 consumption and capable of being prepared and served from the private food truck's kitchen

172 during all hours of operation;

173 (D) Is sponsored, endorsed, or approved by the governing body or its designee of the  
174 county or municipality in which the private food truck is to be located and operated. Each location  
175 shall have a bounded and defined area and set hours for private food truck operations, sales, and  
176 consumption of alcohol that are not greater than a private club's hours of operation;

177 (E) Provide the commissioner with a list of all locations, including a main business location,  
178 where the private food truck operates, and is approved for sales pursuant to paragraph (D) of this  
179 section, and immediately update the commissioner when new locations are approved by a county  
180 or municipality;

181 (F) Require all nonintoxicating beer and nonintoxicating craft beer sold, furnished,  
182 tendered, or served pursuant to the license created by this section to be purchased from the  
183 licensed distributor where the private food truck has its home location or from a resident brewer  
184 acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code.

185 (G) Require wine or hard cider sold, furnished, tendered, or served pursuant to the license  
186 created by this section to be purchased from a licensed distributor, winery, or farm winery in  
187 accordance with §60-8-1 *et seq.* of this code.

188 (H) Require liquor sold, furnished, tendered, or served pursuant to the license created by  
189 this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous  
190 market zone where the private food truck has its main business location, all in accordance with  
191 §60-3A-1 *et seq.* of this code.

192 (I) A licensee authorized by this section shall use bona fide employees to sell, furnish,  
193 tender, or serve the nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

194 (J) A brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-  
195 distillery may obtain a private food truck license;

196 (K) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor,  
197 wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker

198 representatives may attend a location where a private food truck is located and discuss their  
199 respective products but may not engage in the selling, furnishing, tendering, or serving of any  
200 nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

201 (L) Use an age verification system approved by the commissioner for the purpose of  
202 verifying that persons under the age of 21 who are in the private club bar are not permitted to be  
203 served any alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine but may be  
204 permitted to purchase food or other items;

205 (M) Obtain all permits required by §60-6-12 of this code; and

206 (N) Meet and be subject to all other applicable private club requirements.

207 (11) "Private club restaurant" means an applicant for a private club or licensed private club  
208 licensee that has a primary function of using the licensed premises as a restaurant for serving  
209 freshly prepared meals and dining in the restaurant area. The private club restaurant may have a  
210 bar area separate from or commingled within the restaurant where seating requirements for  
211 members and guests are met by including the restaurant area. The applicant for a private club  
212 restaurant license is an applicant which:

213 (A) Has at least 100 members;

214 (B) Operate a restaurant and full kitchen with at least: (i) Ovens and four-burner ranges; (ii)  
215 refrigerators or freezers, or some combination of refrigerators and freezers greater than 50 cubic  
216 feet, or a walk-in refrigerator or freezer; (iii) other kitchen utensils and apparatus as determined by  
217 the commissioner; and (iv) freshly prepared food fit for human consumption available to be served  
218 during all hours of operation on the licensed premises;

219 (C) Maintains, at any one time, fresh food capable of being prepared in the private club  
220 restaurant's full kitchen. In calculating the food inventory, the commissioner may not include  
221 television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-  
222 packaged foods, or canned prepared foods;

223 (D) Uses an age verification system approved by the commissioner for the purpose of

224 verifying that persons under 18 years of age who are in the bar area of a private club restaurant are  
225 accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area  
226 who is under the age of 18 years and who is not accompanied by a parent or legal guardian, but  
227 may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the  
228 restaurant area of a private club restaurant:

229 (E) May uncork and serve members and guests up to two bottles of wine that a member  
230 purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when  
231 licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use  
232 and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no  
233 event may a member or a group of members and guests exceed two sealed bottles or containers  
234 of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant  
235 and for personal consumption by the member and guests. A member or guest may cork and reseal  
236 any unconsumed wine bottles as provided in §60-8-3 (j) of this code and the legislative rules for  
237 carrying unconsumed wine off the licensed premises;

238 (F) Has at least two restrooms for members and their guests: *Provided*, That this  
239 requirement may be waived by the local health department upon supplying a written waiver of the  
240 requirement to the commissioner: *Provided, however*, That the requirement may also be waived  
241 for a historic building by written waiver supplied to commissioner of the requirement from the  
242 historic association or district with jurisdiction over a historic building: *Provided, further*, That in no  
243 event may a private club restaurant have less than one restroom; and

244 (G) Meets and is subject to all other private club requirements.

245 (12) "Private manufacturer club" means an applicant for a private club or licensed private  
246 club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm  
247 winery, brewery, or resident brewery that manufacturers liquor, wine, nonintoxicating beer or  
248 nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for  
249 on-premises consumption at the licensee's licensed premises and in the area or areas denoted on

250 the licensee's floorplan, and which:

251 (A) Has at least 100 members;

252 (B) Offers tours, may offer samples, and may offer space as a conference center or for  
253 meetings;

254 (C) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or  
255 freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and  
256 apparatus as determined by the commissioner on the licensed premises and serves food:  
257 *Provided*, That a licensee required by the provisions of this code to serve food on premises in  
258 order to lawfully serve alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, wine, or  
259 hard cider may meet the requirement of having on-premises food preparation facilities by, during  
260 all hours alcoholic liquors, beer, wine, and hard cider are offered for sale or sampling, having on-  
261 site an operating food truck or other portable kitchen: *Provided, however*, That the approval of the  
262 commissioner and the appropriate health department is required to operate as allowed by  
263 subsection (a) of this section;

264 (D) Maintains, at any one time fresh food capable of being prepared in the private  
265 manufacturer club's full kitchen. In calculating the food inventory, the commissioner may include  
266 television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-  
267 packaged foods, or canned prepared foods;

268 (E) Owns or leases, controls, operates, and uses space which is contiguous, bounded, or  
269 fenced real property sufficient to safely operate the licensed premises that would be listed on the  
270 licensee's floorplan and may be used for large events such as weddings, reunions, conferences,  
271 meetings, and sporting or recreational events;

272 (F) Lists the entire property from paragraph (E) of this subdivision and all adjoining  
273 buildings and structures on the private manufacturer club's floorplan that would comprise the  
274 licensed premises, which would be authorized for the lawful sale, service, and consumption of  
275 alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine throughout the

276 licensed premises, whether these activities were conducted in a building or structure or outdoors  
277 while on the private manufacturer club's licensed premises, and as noted on the private  
278 manufacturer club's floorplan;

279 (G) Identifies a person, persons, an entity, or entities who or which have the right, title, and  
280 ownership or lease interest in the real property, buildings, and structures located on the proposed  
281 licensed premises;

282 (H) Uses an age verification system approved by the commissioner; and

283 (I) Meets and is subject to all other private club requirements.

284 (13) "Private fair and festival" means an applicant for a private club or a licensed private  
285 club licensee meeting the requirements of §60-7-8a of this code for a temporary event, and the  
286 criteria set forth in this subdivision which:

287 (A) Has at least 100 members;

288 (B) Has been sponsored, endorsed, or approved, in writing, by the governing body, or its  
289 duly elected or appointed officers, of either the municipality or of the county in which the festival,  
290 fair, or other event is to be conducted;

291 (C) Prepares, provides, or engages a food vendor to provide adequate freshly prepared  
292 food or meals to serve its stated members and guests who will be attending the temporary festival,  
293 fair, or other event, and further shall provide any documentation or agreements to the  
294 commissioner prior to approval;

295 (D) Does not use third-party entities or individuals to purchase, sell, furnish, or serve  
296 alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer;

297 (E) Provides adequate restroom facilities, whether permanent or portable, to serve the  
298 stated members and guests who will be attending the festival, fair, or other event;

299 (F) Provides a floorplan for the proposed premises with a defined and bounded area to  
300 safely account for the ingress and egress of stated members and guests who will be attending the  
301 festival, fair, or other event;

302 (G) Uses an age verification system approved by the commissioner; and

303 (H) Meets and is subject to all other private club requirements.

304 (14) "Private hotel" means an applicant for a private club or licensed private club licensee  
305 meeting the criteria set forth in this subsection which:

306 (A) Has at least 2,000 members;

307 (B) Offers short-term, daily rate accommodations or lodging for members and their guests  
308 amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

309 (C) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers,  
310 and other kitchen utensils and apparatus as determined by the commissioner on the licensed  
311 premises and serves freshly prepared food at least 20 hours per week;

312 (D) Maintains, at any one time, fresh food capable of being prepared in the private hotel's  
313 full kitchen. In calculating the food inventory, the commissioner may not include microwavable,  
314 frozen, or canned foods;

315 (E) Owns or leases, controls, operates, and uses acreage amounting to more than one  
316 acre but fewer than three acres, which are contiguous acres of bounded or fenced real property  
317 which would be listed on the licensee's floorplan and would be used for hotel and conferences and  
318 large contracted-for group-type events such as weddings, reunions, conferences, meetings, and  
319 sporting or recreational events;

320 (F) Lists the entire property from paragraph (E) of this subdivision and all adjoining  
321 buildings and structures on the private hotel's floorplan which would comprise the licensed  
322 premises, which would be authorized for the lawful sales, service, and consumption of alcoholic  
323 liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises  
324 whether these activities were conducted in a building or structure or outdoors while on the private  
325 hotel's licensed premises and as noted on the private hotel's floorplan;

326 (G) Has an identified person, persons, or entity that has right, title, and ownership or lease  
327 interest in the real property buildings and structures located on the proposed licensed premises;

328 (H) Uses an age verification system approved by the commissioner;  
329 (I) Meets and is subject to all other private club requirements; and  
330 (J) May provide members and guests who are verified by proper form of identification to be  
331 21 years of age or older to have secure access via key or key card to an in-room mini-bar in their  
332 rented short-term accommodation; the mini-bar may be a small refrigerator not in excess of 1.6  
333 cubic feet for the sale of nonintoxicating beer or nonintoxicating craft beer, wine, hard cider, and  
334 liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination  
335 of 12 fluid ounce cans or bottles not exceeding 72 fluid ounces of nonintoxicating beer or  
336 nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not  
337 exceeding 750 ml of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, and 200 ml,  
338 with any combination of those liquor bottles not exceeding 750 ml; and (iv) any combination of  
339 canned or packaged food valued at least \$50. All markups, fees, and taxes shall be charged on the  
340 sale of nonintoxicating beer, nonintoxicating craft beer, wine, liquor, and hard cider. All  
341 nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the  
342 licensed distributor in the area where licensed. All wine or hard cider available for sale shall be  
343 purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale  
344 shall be purchased from the licensed retail liquor outlet in the market zone of the licensed  
345 premises. The mini-bar shall be checked daily and replenished as needed to benefit the member  
346 and guest.

347 (15) "Private resort hotel" means an applicant for a private club or licensed private club  
348 licensee which:

349 (A) Has at least 5,000 members;

350 (B) Offers short term, daily rate accommodations or lodging for members and their guests  
351 amounting to at least 50 separate bedrooms;

352 (C) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers,  
353 and other kitchen utensils and apparatus as determined by the commissioner on the licensed

354 premises and serves freshly prepared food at least 25 hours per week;

355 (D) Maintains, at any one time, fresh food capable of being prepared in the private resort  
356 hotel's full kitchen. In calculating the food inventory, the commissioner may not include  
357 microwavable, frozen, or canned foods;

358 (E) Owns or leases, controls, operates, and uses acreage amounting to at least 10  
359 contiguous acres of bounded or fenced real property which would be listed on the licensee's  
360 floorplan and would be used for destination, resort, and large contracted-for group-type events  
361 such as weddings, reunions, conferences, meetings, and sporting or recreational events;

362 (F) Lists the entire property from paragraph (E) of this subdivision and all adjoining  
363 buildings and structures on the private resort hotel's floorplan comprising the licensed premises  
364 which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and  
365 nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these  
366 activities were conducted in a building or structure or outdoors while on the private resort hotel's  
367 licensed premises;

368 (G) Has an identified person, persons, or entity that has right, title, and ownership or lease  
369 interest in the real property, buildings, and structures located on the proposed licensed premises;

370 (H) Uses an age verification system approved by the commissioner;

371 (I) Meets and is subject to all other private club requirements;

372 (J) May have a separately licensed resident brewer with a brewpub license inner-  
373 connected via a walkway, doorway, or entryway, all as determined and approved by the  
374 commissioner, for limited access during permitted hours of operation for tours and samples at the  
375 resident brewery; and

376 (K) May provide members and guests who are verified by proper form of identification to be  
377 21 years of age or older to have access via key or key card to an in-room mini-bar in their rented  
378 short-term accommodation. The mini-bar may be a small refrigerator not in excess of 3.2 cubic  
379 feet for the sale of nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, and liquor sold

380 from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid  
381 ounce cans or bottles not exceeding 144 fluid ounces of nonintoxicating beer or nonintoxicating  
382 craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding one and a half  
383 liters of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, 200 ml, and 375 ml with  
384 any combination of such liquor bottles not exceeding one and a half liters; and (iv) any combination  
385 of canned or packaged food valued at least \$100. All markups, fees, and taxes shall be charged on  
386 the sale of nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor. All  
387 nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the  
388 licensed distributor in the area where licensed. All wine or hard cider available for sale shall be  
389 purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale  
390 shall be purchased from the licensed retail liquor outlet in the market zone of the licensed  
391 premises. The mini-bar shall be checked daily and replenished as needed to benefit the member  
392 and guest.

393 (16) "Private golf club" means an applicant for a private club or licensed private club  
394 licensee which:

395 (A) Has at least 100 members;

396 (B) Maintains at least one 18-hole golf course with separate and distinct golf playing holes,  
397 not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

398 (C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner,  
399 on the licensed premises and serves freshly prepared food at least 15 hours per week;

400 (D) Owns or leases, controls, operates, and uses acreage amounting to at least 80  
401 contiguous acres of bounded or fenced real property which would be listed on the private golf  
402 club's floorplan and could be used for golfing events and large contracted-for group-type events  
403 such as weddings, reunions, conferences, meetings, and sporting or recreational events;

404 (E) Lists the entire property from paragraph (D) of this subsection and all adjoining  
405 buildings and structures on the private golf club's floorplan comprising the licensed premises

406 which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and  
407 nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these  
408 activities were conducted in a building or structure or outdoors while on the private golf club's  
409 licensed premises;

410 (F) Has an identified person, persons, or entity that has right, title, and ownership interest  
411 in the real property, buildings, and structures located on the proposed licensed premises;

412 (G) Uses an age verification system approved by the commissioner; and

413 (H) Meets and is subject to all other private club requirements.

414 (17) "Private nine-hole golf course" means an applicant for a private club or licensed  
415 private club licensee which:

416 (A) Has at least 50 members;

417 (B) Maintains at least one nine-hole golf course with separate and distinct golf playing  
418 holes;

419 (C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner,  
420 on the licensed premises and serves freshly prepared food at least 15 hours per week;

421 (D) Owns or leases, controls, operates, and uses acreage amounting to at least 30  
422 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole  
423 golf course's floorplan and could be used for golfing events and large contracted for group-type  
424 events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

425 (E) Lists the entire property from paragraph (D) of this subdivision and all adjoining  
426 buildings and structures on the private nine-hole golf course's floorplan comprising the licensed  
427 premises which would be authorized for the lawful sales, service, and consumption of alcoholic  
428 liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises  
429 whether these activities were conducted in a building or structure or outdoors while on the private  
430 nine-hole golf course's licensed premises;

431 (F) Has an identified person, persons, or entity that has right, title, and ownership interest

432 in the real property buildings and structures located on the proposed licensed premises;

433 (G) Uses an age verification system approved by the commissioner; and

434 (H) Meets and is subject to all other private club requirements.

435 (18) "Private tennis club" means an applicant for a private club or licensed private club  
436 licensee which:

437 (A) Has at least 100 members;

438 (B) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and  
439 a clubhouse or similar facility;

440 (C) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on  
441 the licensed premises which is capable of serving freshly prepared food;

442 (D) Owns or leases, controls, operates, and uses acreage amounting to at least two  
443 contiguous acres of bounded or fenced real property which would be listed on the private tennis  
444 club's floorplan and could be used for tennis events and large events such as weddings, reunions,  
445 conferences, tournaments, meetings, and sporting or recreational events;

446 (E) Lists the entire property from paragraph (D) of this subdivision and all adjoining  
447 buildings and structures on the private tennis club's floorplan comprising the licensed premises  
448 which would be authorized for the lawful sales, service, and consumption of alcoholic liquors  
449 throughout the licensed premises whether these activities were conducted in a building or  
450 structure or outdoors while on the private tennis club's licensed premises;

451 (F) Has identified a person, persons, an entity, or entities who or which has right, title, and  
452 ownership interest in the real property buildings and structures located on the proposed licensed  
453 premises;

454 (G) Meets and is subject to all other private club requirements; and

455 (H) Uses an age verification system approved by the commissioner.

456 (19) "Private college sports stadium" means an applicant for a private club or licensed  
457 private club licensee that operates a college or university stadium or coliseum for Division I, II, or III

458 sports and that involves a college public or private or university that is a member of the National  
459 Collegiate Athletic Association, or its successor, and uses the facility for football, basketball,  
460 baseball, soccer, or other Division I, II, or III sports, reserved weddings, reunions, conferences,  
461 meetings, or other special events and does not maintain daily or regular operating hours as a bar  
462 or restaurant. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating  
463 craft beer when conducting or temporarily hosting non-collegiate sporting events. This license  
464 may be issued in the name of the National Collegiate Athletic Association Division I, II, or III  
465 college or university or the name of the primary food and beverage vendor under contract with that  
466 college or university. All alcohol sales shall take place within the confines of the college or  
467 university stadium: *Provided*, That any outside area approved for alcohol sales and  
468 nonintoxicating beer or nonintoxicating craft beer shall be surrounded by a fence or other barrier  
469 prohibiting entry except upon the college or university's express permission, and under the  
470 conditions and restrictions established by the college or university, so that the alcohol sales area is  
471 closed in order to prevent entry and access by the general public. Further the applicant shall:

472 (A) Have at least 100 members;

473 (B) Maintain an open-air or enclosed stadium or coliseum venue primarily used for sporting  
474 events, such as football, basketball, baseball, soccer, or other Division I, II, or III sports, and also  
475 weddings, reunions, conferences, meetings, or other events where parties shall reserve the  
476 college stadium venue in advance of the event;

477 (C) Operate a restaurant and full kitchen with ovens and equipment that is equivalent or  
478 greater than a private club restaurant, as determined by the commissioner, on the licensed  
479 premises that is capable of serving freshly prepared food or meals to its stated members, guests,  
480 and patrons who will be attending the event at the private college sports stadium;

481 (D) Own or lease, control, operate, and use acreage amounting to at least two contiguous  
482 acres of bounded or fenced real property, as determined by the commissioner, which would be  
483 listed on the private college stadium's floorplan and could be used for contracted-for temporary

484 non-collegiate sporting events, group-type weddings, reunions, conferences, meetings, or other  
485 events;

486 (E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings  
487 and structures on the private college sports stadium's floorplan which would comprise the licensed  
488 premises, which would be authorized for the lawful sales, service, and consumption of alcoholic  
489 liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises  
490 whether these activities were conducted in a building or structure or outdoors while on the private  
491 college sports stadium's licensed premises and as noted on the private college sports stadium's  
492 floorplan;

493 (F) Have an identified person, persons, or entity that has right, title, and ownership interest  
494 in the real property buildings and structures located on the proposed licensed premises;

495 (G) Meet and be subject to all other private club requirements; and

496 (H) Use an age verification system approved by the commissioner.

497 (20) "Private professional sports stadium" means an applicant for a private club or licensed  
498 private club licensee that is only open for professional sporting events when the events are  
499 affiliated with or sponsored by a professional sporting association, reserved weddings, reunions,  
500 conferences, meetings, or other special events and does not maintain daily or regular operating  
501 hours as a bar or restaurant. The licensee may not sell alcoholic liquors and nonintoxicating beer  
502 or nonintoxicating craft beer when conducting or hosting non-professional sporting events, and  
503 further the applicant shall:

504 (A) Have at least 1,000 members;

505 (B) Maintain an open-air or enclosed stadium venue primarily used for sporting events,  
506 such as football, baseball, soccer, auto racing, or other professional sports, and also weddings,  
507 reunions, conferences, meetings, or other events where parties reserve the stadium venue in  
508 advance of the event;

509 (C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner,

510 on the licensed premises which is capable of serving freshly prepared food or meals to serve its  
511 stated members, guests, and patrons who will be attending the event at the private professional  
512 sports stadium;

513 (D) Own or lease, control, operate, and use acreage amounting to at least three contiguous  
514 acres of bounded or fenced real property, as determined by the commissioner, which would be  
515 listed on the professional sports stadium's floorplan and could be used for contracted- for  
516 professional sporting events, group-type weddings, reunions, conferences, meetings, or other  
517 events;

518 (E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings  
519 and structures on the private professional sports stadium's floorplan comprising the licensed  
520 premises which would be authorized for the lawful sales, service, and consumption of alcoholic  
521 liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises  
522 whether these activities were conducted in a building or structure or outdoors while on the private  
523 professional sports stadium's licensed premises;

524 (F) Have an identified person, persons, or entity that has right, title, and ownership interest  
525 in the real property buildings and structures located on the proposed licensed premises;

526 (G) Meet and be subject to all other private club requirements; and

527 (H) Use an age verification system approved by the commissioner.

528 (21) "Private farmers market" means an applicant for a private club or licensed private club  
529 licensee that operates as an association of bars, restaurants, and retailers who sell West Virginia-  
530 made products among other products, and other stores who open primarily during daytime hours  
531 of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale  
532 of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for  
533 on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting  
534 events, reunions, conferences, meetings, or other special events and does not maintain daily or  
535 regular operating hours as a bar or restaurant. All businesses that are members of the association

536 shall agree in writing to be liable and responsible for all sales, service, furnishing, tendering, and  
537 consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, wine, and hard  
538 cider occurring on the entire licensed premises of the private farmer's market, including indoor and  
539 outdoor bounded areas, and further the applicant shall:

540 (A) Have at least 100 members;

541 (B) Have one or more members operating a private club restaurant and full kitchen with  
542 ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and  
543 freezer, and other kitchen utensils and apparatus as determined by the commissioner on the  
544 licensed premises and serve freshly prepared food at least 15 hours per week;

545 (C) Have one or more members operating a private club restaurant who maintain, at any  
546 one time, fresh food capable of being prepared for events conducted at the private farmers market  
547 in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may  
548 not include television dinners, bags of chips or similar products, microwavable meals, frozen  
549 meals, pre-packaged foods, or canned prepared foods;

550 (D) Have an association that owns or leases, controls, operates, and uses acreage  
551 amounting to more than one acre, which is contiguous acreage of bounded or fenced real property  
552 which would be listed on the licensee's floorplan and would be used for large contracted-for  
553 reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences,  
554 meetings, or other special events;

555 (E) Have an association that lists in the application for licensure the entire property and all  
556 adjoining buildings and structures on the private farmers market's floorplan which would comprise  
557 the licensed premises, which would be authorized for the lawful sales, service, and consumption of  
558 alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed  
559 premises whether these activities were conducted in a building or structure or outdoors while on  
560 the private farmers market's licensed premises and as noted on the private farmers market's  
561 floorplan;

562 (F) Have an identified person, persons, or entity that has right, title, and ownership or lease  
563 interest in the real property buildings and structures located on the proposed licensed premises;

564 (G) Have at least two separate and unrelated vendors applying for the license and  
565 certifying that all vendors in the association have agreed to the liability responsibility associated  
566 with a private farmers market license;

567 (H) Only use its employees, independent contractors, or volunteers to purchase, sell,  
568 furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

569 (I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated  
570 members and guests who will be attending the private farmers market;

571 ~~(J) Provide a copy of a written agreement between all the vendors of the association that is~~  
572 ~~executed by all vendors stating that each vendor is jointly and severally liable for any violations of~~  
573 ~~this chapter committed during the event~~

574 ~~(K)~~ (J) Provide a security plan indicating all vendor points of service, entrances, and exits in  
575 order to verify members', patrons', and guests' ages, to verify whether a member, patron, or guest  
576 is intoxicated, and to provide for the public health and safety of members, patrons, and guests;

577 ~~(L)~~ (K) Use an age verification system approved by the commissioner; and

578 ~~(M)~~ (L) Meet and be subject to all other private club requirements.

579 (22) "Private wedding venue or barn" means an applicant for a private club or licensed  
580 private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or  
581 other events and does not maintain daily or regular operating hours, and which:

582 (A) Has at least 25 members;

583 (B) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions,  
584 conferences, meetings, or other events where parties reserve or contract for the venue, facility,  
585 barn, or pavilion in advance of the event;

586 (C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner,  
587 on the licensed premises that is capable of serving freshly prepared food, or engages a food

588 caterer to provide adequate freshly prepared food or meals to serve its stated members, guests,  
589 and patrons who will be attending the event at the private wedding venue or barn. The applicant or  
590 licensee shall provide written documentation including a list of food caterers or written agreements  
591 regarding any food catering operations to the commissioner prior to approval of a food catering  
592 event;

593 (D) Owns or leases, controls, operates, and uses space sufficient to safely operate the  
594 licensed premises. The applicant or licensee shall verify that, the property is not less than two  
595 acres and is remotely located, subject to the commissioner's approval. The bounded or fenced  
596 real property may be listed on the private wedding venue's or barn's floorplan and may be used for  
597 large events such as weddings, reunions, conferences, meetings, or other events;

598 (E) Lists the entire property from paragraph (D) of this subdivision and all adjoining  
599 buildings and structures on the private wedding venue or barn's floorplan that would comprise the  
600 licensed premises which would be authorized for the lawful sales, service, and consumption of  
601 alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed  
602 premises whether these activities were conducted in a building or structure or outdoors while on  
603 the private wedding venue or barn's licensed premises;

604 (F) Has an identified person, persons, or entity that has right, title, and ownership interest  
605 in the real property buildings and structures located on the proposed licensed premises;

606 (G) Meets and is subject to all other private club requirements; and

607 (H) Uses an age verification system approved by the commissioner.

608 (23) "Private multi-sport complex" means an applicant for a private club or licensed private  
609 club licensee that is open for multiple sports events to be played at the complex facilities, reserved  
610 weddings, concerts, reunions, conferences, meetings, or other special events, and which:

611 (A) Has at least 100 members;

612 (B) Maintains an open-air multi-sport complex primarily for use for sporting events, such as  
613 baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings,

614 concerts, reunions, conferences, meetings, or other events where parties reserve the parts of the  
615 sports complex in advance of the sporting or other event;

616 (C) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as  
617 determined by the commissioner, on the licensed premises which is capable of serving freshly  
618 prepared food, or meals to serve its stated members, guests, and patrons who will be attending  
619 the event at the private multi-sport complex. A licensee may contract with temporary food vendors  
620 or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex  
621 not readily accessible by the main facility;

622 (D) Maintains, at any one time, fresh food capable of being prepared in the private multi-  
623 sport complex's full kitchen. In calculating the food inventory, the commissioner may not include  
624 television dinners, bags of chips or similar products, microwavable meals, frozen meals,  
625 prepackaged foods, or canned prepared foods;

626 (E) Owns or leases, controls, operates, and uses acreage amounting to at least 50  
627 contiguous acres of bounded or fenced real property, as determined by the commissioner, which  
628 would be listed on the private multi-sport complex's floorplan and could be used for contracted-for  
629 sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other  
630 events;

631 (F) Lists the entire property from paragraph (E) of this subdivision and all adjoining  
632 buildings and structures on the private multi-sport complex's floorplan which would comprise the  
633 licensed premises, which would be authorized for the lawful sales, service, and consumption of  
634 alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, and hard cider throughout the  
635 licensed premises whether these activities were conducted in a building or structure or outdoors  
636 while on the private multi-sport complex's licensed premises and as noted on the private multi-  
637 sport complex's floorplan. The licensee may sell alcoholic liquors and nonintoxicating beer or  
638 nonintoxicating craft beer from a golf cart or food truck owned or leased by the licensee and also  
639 operated by the licensee when the golf cart or food truck is located on the private multi-sport

640 complex's licensed premises;

641 (G) Has an identified person, persons, or entity that has right, title, and ownership interest  
642 in the real property buildings and structures located on the proposed licensed premises;

643 (H) Meets and is subject to all other private club requirements; and

644 (I) Uses an age verification system approved by the commissioner.

645 (24) "Private coliseum or center" means an applicant for a private club or licensed private  
646 club licensee that is open for various events including, but not limited to, musical concerts, bands,  
647 sporting events, monster trucks, sports entertainment events, circuses, expos, hobby events,  
648 tradeshows, health events, reserved weddings, reunions, retreats, conventions, conferences,  
649 meetings, or other special events. The licensee may not sell alcoholic liquors, nonintoxicating beer  
650 or wine when conducting or hosting events focused on patrons who are less than 21 years of age,  
651 and further the applicant shall:

652 (A) Have at least 5,000 members;

653 (B) Maintain an enclosed coliseum or center venue with at least 80,000 square feet of  
654 event space primarily used for events where parties reserve the coliseum or center venue in  
655 advance of the event;

656 (C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner,  
657 on the licensed premises and be capable of serving freshly prepared food or meals to its stated  
658 members, guests, and patrons who will be attending events at the private coliseum or center;

659 (D) Own or lease, control, operate, and use acreage amounting to at least two contiguous  
660 acres of bounded or fenced real property, as determined by the commissioner, which would be  
661 listed on the private coliseum or center's floorplan and could be used for contracted-for events, or  
662 a private fair and festival, as authorized by the commissioner per dual licensing requirements as  
663 set forth in §60-7-2a of this code;

664 (E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings  
665 and structures on the private coliseum or center's floorplan comprising the licensed premises

666 which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and  
667 nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these  
668 activities were conducted in a building or structure or outdoors while on private coliseum or  
669 center's licensed premises;

670 (F) Have an identified person, persons, or entity that has right, title, and ownership interest  
671 in the real property buildings and structures located on the proposed licensed premises;

672 (G) Meet and be subject to all other private club requirements; and

673 (H) Use an age verification system approved by the commissioner.

674 (25) "Private food court" means an applicant who qualifies for a private club restaurant or  
675 licensed private club restaurant licensee that operates in a facility within a licensed premises with  
676 one licensed floorplan that includes an association of other inter-connected licensed private club  
677 restaurants or unlicensed restaurants that operate legally without alcohol sales, where all  
678 businesses that are licensed members of the association have agreed in writing to be liable and  
679 responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors and  
680 nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the  
681 private food court, and further the applicant shall:

682 (A) Have at least 100 members;

683 (B) Have at least one member of its association who qualifies for a private club restaurant  
684 containing a full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some  
685 combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined  
686 by the commissioner on the licensed premises and be capable of serving freshly prepared food at  
687 least 15 hours per week in the private food court;

688 (C) Have at least one member of its association who qualifies for a private club restaurant  
689 who maintains, at any one time, fresh food capable of being prepared in the private club  
690 restaurant's full kitchen, and in calculating the food inventory the commissioner may not include  
691 television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-

692 packaged foods, or canned prepared foods;

693 (D) Have an association that owns or leases, controls, operates, and uses a facility that  
694 meets requirements of this article, and the entire facility is listed on the licensee's floorplan as its  
695 licensed premises;

696 (E) Have an association that lists in the application for licensure the entire facility and any  
697 inter-connected and adjoining structures on the private food court's floorplan which would  
698 compromise the licensed premises, and which would be authorized for the lawful sales, service,  
699 and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer  
700 throughout the licensed premises whether these activities were conducted in a building or  
701 structure while on the private food court's licensed premises and as noted on the private food  
702 court's licensed floorplan;

703 (F) Have an identified person, persons, or entity that has right, title, and ownership or lease  
704 interest in the real property buildings and structures located on the proposed licensed premises;

705 (G) Have at least one separate and unrelated business applying for the license and  
706 ~~certifying that all licensed businesses in the association have agreed to the liability responsibility~~  
707 ~~associated with a private food court license;~~

708 (H) Only use its employees, independent contractors, or volunteers to purchase, sell,  
709 furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

710 (I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated  
711 members and guests who will be attending the private food court;

712 ~~(J) Provide a copy of a written agreement between all the vendors of the association that is~~  
713 ~~executed by all businesses stating that each licensed vendor is jointly and severally liable for any~~  
714 ~~violations of this chapter committed on the licensed premises~~

715 ~~(K)~~ (J) Provide a security plan indicating all businesses who will be selling and serving  
716 alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer, list non-licensees who will  
717 be selling and serving food, list all entrances, and list all exits, provide a plan to verify the ages of

718 members, patrons, and guests, a plan to verify whether a member, patron, or guest is intoxicated,  
719 and a plan to provide for the public health and safety of members, patrons, and guests;

720 ~~(L)~~ (K) Use an age verification system approved by the commissioner; and

721 ~~(M)~~ (L) Meet and be subject to all other private club requirements.

722 The Division of Natural Resources, the authority governing any county or municipal park,  
723 or any county commission, municipality, other governmental entity, public corporation, or public  
724 authority operating any park or airport may lease, as lessor, a building or portion thereof or other  
725 limited premises in any park or airport to any corporation or unincorporated association for the  
726 establishment of a private club pursuant to this article.

**§60-7-8c. Special license for a multi-vendor private fair and festival; license fee and application; license subject to provisions of article; exception.**

1 (a) There is hereby created a special license designated Class S3 private multivendor fair  
2 and festival license for the retail sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft  
3 beer for on-premises consumption at an event where multiple vendors shall share liability and  
4 responsibility, and apply for this license. Each vendor may temporarily purchase, sell, furnish, or  
5 serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

6 (b) To be eligible for the license authorized by subsection (a) of this section, the private  
7 multivendor fair and festival or other event shall:

8 (1) Be sponsored, endorsed, or approved by the governing body or its designee of the  
9 county or municipality in which the private multivendor fair and festival or other event is located;

10 (2) Jointly apply to the commissioner for the special license at least 15 days prior to the  
11 private fair, festival, or other event;

12 (3) Pay a nonrefundable nonprorated license fee of \$500 per event that may be divided  
13 among all the vendors attending the event;

14 (4) Be approved by the commissioner to operate the private multivendor fair, festival, or  
15 other event;

- 16 (5) Be limited to no more than 15 consecutive days;
- 17 (6) Have at least two separate and unrelated vendors applying for the license and certifying  
18 that at least 100 members will be in attendance;
- 19 (7) Freshly prepare and provide food or meals, or engage a food vendor to prepare and  
20 provide adequate freshly prepared food or meals to serve its stated members and guests who will  
21 be attending the temporary festival, fair, or other event, and provide any written documentation or  
22 agreements of the food caterer to the commissioner prior to approval of the license;
- 23 (8) Only use its employees, independent contractors, or volunteers to purchase, sell,  
24 furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;
- 25 (9) Provide adequate restroom facilities, whether permanent or portable, to serve the  
26 stated members and guests who will be attending the private multi-vendor festival, fair, or other  
27 event;
- 28 ~~(10) Provide an executed agreement between the vendors and/or food caterers stating~~  
29 ~~that each vendor is jointly and severally liable for any improper acts or conduct committed during~~  
30 ~~the multi-vendor festival or fair event~~
- 31 ~~(11)~~ (10) Provide a security plan indicating all vendor points of service, entrances, and exits  
32 in order to verify members', patrons', and guests' ages, and whether a member, patron, or guest is  
33 intoxicated, to provide for the public health and safety of members, patrons, and guests;
- 34 ~~(12)~~ (11) Provide a floorplan for the proposed premises with one defined and bounded  
35 indoor and/or outdoor area to safely account for the ingress and egress of stated members,  
36 patrons, and guests who will be attending the festival, fair, or other event, and the floorplan that  
37 would comprise the licensed premises, which would be authorized for the lawful sales, service,  
38 and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the  
39 licensed premises whether these activities were conducted in a building or structure, or outdoors  
40 while on the licensed premises and as noted on the floorplan;
- 41 ~~(13)~~ (12) Meet and be subject to all other private club requirements; and

42           ~~(14)~~ (13) Use an age verification system approved by the commissioner.

43           (c) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served  
44 pursuant to the license created by this section shall be purchased from the licensed distributor that  
45 services the area in which the private multi-vendor fair and festival will be held or from a resident  
46 brewer acting in a limited capacity as a distributor, in accordance with §11-16-1 *et seq.* of this code.

47           (d) Wine sold, furnished, tendered, or served pursuant to the license created by this  
48 section shall be purchased from a licensed distributor, winery, or farm winery in accordance with  
49 §60-8-1 *et seq.* of this code.

50           (e) Liquor sold, furnished, tendered, or served pursuant to the license created by this  
51 section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous  
52 market zone where the private multi-vendor fair or festival will be held, all in accordance with §60-  
53 3A-1 *et seq.* of this code.

54           (f) A licensee authorized by this section may use bona fide employees, independent  
55 contractors, or volunteers to sell, furnish, tender, or serve the liquor, wine, nonintoxicating beer, or  
56 nonintoxicating craft beer; *Provided*, That the licensee shall train all employees, independent  
57 contractors, or volunteers to verify legal identification and to verify signs of intoxication.

58           (g) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor,  
59 wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor brokers may  
60 attend a private multi-vendor festival or fair and discuss their respective products but may not  
61 engage in the selling, furnishing, tendering, or serving of any liquor, wine, nonintoxicating beer, or  
62 nonintoxicating craft beer.

63           (h) A licensee licensed under this section is subject to all other provisions of this article and  
64 the rules and orders of the commissioner: *Provided*, That the commissioner may, by rule or order,  
65 allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by  
66 the circumstances of each private multi-vendor fair and festival. The commissioner may revoke or  
67 suspend immediately any license issued under this section prior to any notice or hearing,

68 notwithstanding §60-7-13a of this code: *Provided, however,* That under no circumstances may the  
69 provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

NOTE: The purpose of this bill is to remove the requirement that a private farmers market have two unrelated vendors apply for a license and obtain a certification that all vendors have agreed to liability responsibility therein and removing the requirement that a private farmers market provide a written copy of the agreement between all vendors acknowledging that each vendor is jointly and severally liable for any violations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.