

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 659

BY SENATORS TRUMP, CAPUTO, AND MARONEY

[Originating in the Committee on the Judiciary;

reported on February 28, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §11-16-5a; to amend and reenact §11-16-8 of said code; to amend said code
3 by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-3A-17
4 of said code; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-
5 2 and §60-7-6 of said code; to amend and reenact §60-8-6c of said code; and to amend
6 and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine, and liquor
7 licenses and requirements; providing for modification of the 300-foot requirement to 200
8 feet; clarifying that licensees are not required to place nonintoxicating beer,
9 nonintoxicating craft beer, and alcoholic liquors in a bag after purchase; revising the blood
10 alcohol chart; increasing the minimum mark-up to 112.5 percent for sales to the general
11 public and to 115 percent to licensees; creating a license for a private bakery to produce
12 confections with alcohol added and setting a license fee; creating a license for a private
13 cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for
14 on-premises consumption, and setting a license fee; creating a license for a private college
15 sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and
16 setting a license fee; creating a license for a private food truck to conduct food and alcohol
17 sales at various locations when permitted by a municipality, and setting a license fee;
18 permitting private hotels and private resort hotels to apply for a private caterer license;
19 authorizing private hotels and private resort hotels to utilize in-room mini-bars for limited
20 alcohol sales to adults 21 year of age and over; authorizing wine growler sales where wine
21 may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed
22 wine growlers, and additional requirements; and providing additional exceptions to the
23 criminal penalty for the unlawful admission of children to a dance hall for certain private
24 clubs with an age verification system.

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

§11-16-5a. Off-premises sales not required to be bagged.

1 A licensee who is licensed for off-premises sales of nonintoxicating beer or nonintoxicating
2 craft beer is not required to place nonintoxicating beer or nonintoxicating craft beer, in a bag.

§11-16-8. Form of application for license; fee and bond; refusal of license.

1 (a) A license may be issued by the commissioner to any person who submits an
2 application, accompanied by a license fee and, where required, a bond, and states under oath:

3 (1) The name and residence of the applicant, the duration of ~~such~~ the residency, and that
4 the applicant is 21 years of age. If the applicant is a firm, association, partnership, limited
5 partnership, limited liability company, or corporation, the application shall include the residence
6 of the members or officers. If a person, firm, partnership, limited partnership, limited liability
7 company, association, corporation, or trust applies for a license as a distributor, the person, or in
8 the case of a firm, partnership, limited partnership, limited liability company, association or trust,
9 the members, officers, trustees, or other persons in active control of the activities of the limited
10 liability company, association, or trust relating to the license, shall include the residency for these
11 persons on the application. All applicants and licensees ~~must~~ shall include a manager on the
12 applicant's license application, or a licensee's renewal application, who ~~must~~ shall meet all other
13 requirements of licensure. ~~including, but not limited to,~~ The applicant shall be a United States
14 ~~citizenship or naturalization~~ citizen or a naturalized citizen, ~~passing~~ pass a background
15 investigation, ~~being~~ be at least 21 years of age, ~~being~~ be a suitable person, ~~being~~ be of good
16 ~~morals and character,~~ of good moral character, and meet other requirements, all as set forth in
17 this article and the rules promulgated thereunder, all in the interest of protecting public health and
18 safety and being a suitable applicant or licensee. In order to maintain licensure, a licensee shall
19 notify the commissioner immediately of a change in managers. If the applicant is a trust or has a

20 trust as an owner, the trustees, or other persons in active control of the activities of the trust
21 relating to the license, shall provide a certification of trust as described in §44D-10-1013 of this
22 code. This certification of trust shall include the excerpts described in §44D-10-1013(e) of this
23 code and shall further state, under oath, the names, addresses, Social Security numbers, and
24 birth dates of the beneficiaries of the trust and certify that the trustee and beneficiaries are 21
25 years of age or older. If a beneficiary is not 21 years of age, the certification of trust ~~must~~ shall
26 state that the beneficiary's interest in the trust is represented by a trustee, parent, or legal guardian
27 who is 21 years of age and who will direct all actions on behalf of the beneficiary related to the
28 trust with respect to the distributor until the beneficiary is 21 years of age. Any beneficiary who is
29 not 21 years of age or older shall have his or her trustee, parent, or legal guardian include in the
30 certification of trust and state under oath his or her name, address, Social Security number, and
31 birth date;

32 (2) The place of birth of the applicant, that he or she is a citizen of the United States and
33 of good moral character and, if a naturalized citizen, when and where naturalized. If the applicant
34 is a corporation organized or authorized to do business under the laws of the state, the application
35 ~~must~~ shall state when and where incorporated, the name and address of each officer, and that
36 each officer is a citizen of the United States and a person of good moral character. If the applicant
37 is a firm, association, limited liability company, partnership, limited partnership, trust, or has a trust
38 as an owner, the application shall provide the place of birth of each member of the firm,
39 association, limited liability company, partnership or limited partnership and of the trustees,
40 beneficiaries, or other persons in active control of the activities of the trust relating to the license
41 and that each member or trustee, beneficiary, or other persons in active control of the activities
42 of the trust relating to the license is a citizen of the United States, and if a naturalized citizen,
43 when and where naturalized, each of whom ~~must~~ shall qualify and sign the application;

44 (3) The particular place for which the license is desired and a detailed description thereof;

45 (4) The name of the owner of the building and, if the owner is not the applicant, that the
46 applicant is the actual and bona fide lessee of the premises;

47 (5) That the ~~place~~ premises or building in which ~~is proposed~~ the applicant proposes to do
48 business conforms to all applicable laws of health, fire, and zoning regulations and is a safe and
49 proper place or building; not within ~~300~~ 200 feet of a school or church measured from front door
50 to front door, along the street or streets. This requirement does not apply to a Class B license or
51 to a place occupied by a beer licensee so long as it is continuously so occupied. The prohibition
52 ~~against locating a proposed business in a place or building within 300 feet of a school~~ does not
53 apply to a college, ~~or~~ university, or church that has notified the commissioner, in writing, that it
54 has no objection to the location of a proposed business in a place or building within ~~300~~ 200 feet
55 of the college, ~~or~~ university, or church;

56 (6) That the applicant is not incarcerated and has not during the five years preceding the
57 date of ~~said~~ the application been convicted of a felony;

58 (7) That the applicant is the only person in any manner pecuniarily interested in the
59 business ~~so asked~~ to be licensed and that no other person is in any manner pecuniarily interested
60 during the continuance of the license; and

61 (8) That the applicant has not during five years preceding the date of the application had
62 a nonintoxicating beer license revoked.

63 (b) In the case of an applicant that is a trust or has a trust as an owner, a distributor license
64 may be issued only upon submission by the trustees or other persons in active control of the
65 activities of the trust relating to the distributor license of a true and correct copy of the written trust
66 instrument to the commissioner for his or her review. Notwithstanding any provision of law to the
67 contrary, the copy of the written trust instrument submitted to the commissioner pursuant to this
68 section is confidential and is not a public record and is not available for release pursuant to the
69 West Virginia Freedom of Information Act codified in §29B-1-1 *et seq.* of this code.

70 (c) The provisions and requirements of subsection (a) of this section are mandatory
71 prerequisites for the issuance of a license and, if any applicant fails to qualify, the commissioner
72 shall refuse to issue the license ~~shall be refused~~. In addition to the information furnished in any
73 application, the commissioner may make ~~such~~ any additional and independent investigation of
74 each applicant, manager, and of the place to be occupied as necessary or advisable and, for this
75 reason, all applications, with license fee and bond, ~~must~~ shall be submitted with all true and
76 correct information. For the purpose of conducting ~~such~~ the independent investigation, the
77 commissioner may withhold the granting or refusal to grant the license for a 30-day period or until
78 the applicant has completed the conditions set forth in this section. If it appears that the applicant
79 and manager meet the requirements in the code and the rules, including, but not limited to, being
80 a suitable person of ~~good reputation and morals~~ good moral character; having made no false
81 statements or material misrepresentations; involving no hidden ownership; and having no persons
82 with an undisclosed pecuniary interest contained in the application; and if there are no other
83 omissions or failures by the applicant to complete the application, as determined by the
84 commissioner, the commissioner shall issue a license authorizing the applicant to sell
85 nonintoxicating beer or nonintoxicating craft beer.

86 (d) The commissioner may refuse a license to any applicant under the provisions of this
87 article if the commissioner is of the opinion:

88 (1) That the applicant or manager is not a suitable person to be licensed;

89 (2) That the place to be occupied by the applicant is not a suitable place; or is within 300
90 200 feet of any school or church measured from front door to front door along the street or streets.

91 This requirement does not apply to a Class B licensee or to a place now occupied by a beer
92 licensee so long as it is continuously so occupied. The prohibition ~~against locating any such place~~

93 ~~within 300 feet of a school~~ does not apply to a college, ~~or university,~~ or church that has notified

94 the commissioner, in writing, that it has no objection to the location of any such place within 300

95 200 feet;

96 (3) That the manager, owner, employee, or person is in a contractual relationship to
97 provide goods or services to the applicant is an active employee of the commissioner; or

98 (4) That the license should not be issued for reason of conduct declared to be unlawful by
99 this article.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 1. GENERAL PROVISIONS.

§60-1-3a. Off-premises sales not required to be bagged.

1 Alcoholic liquors in this state are not required to be placed in a bag by a licensee who is
2 licensed for off-premises sales of alcoholic liquors.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-24. Requirement for posting informational sign.

1 ~~Each store or outlet controlled or operated by the state Alcohol Beverage Control~~
2 ~~Commission, and any store, supermarket, club, restaurant, or~~ Any licensee licensed under this
3 chapter to sell alcoholic liquors, including liquor, wine, hard cider, other facility selling alcoholic
4 ~~beverages or nonintoxicating beer or nonintoxicating craft beer~~ for either on-premise on-premises
5 ~~or off-premise~~ off-premises consumption, shall post in an open and prominent place within ~~such~~
6 the establishment, a blood-alcohol chart containing information showing the estimated percent of
7 alcohol in the blood by the number of drinks in relation to body weight and time of consumption,
8 as follows:

9 FORM OMITTED

10
11
12
13 FORM OMITTED
14
15

16 ~~The size of display and location of said blood alcohol chart shall be prescribed by the~~
17 ~~commissioner, by rule and regulation~~ as provided in the chart available on the commissioner's
18 website. Enforcement of the posting provisions of this section shall be carried out by the ~~West~~
19 ~~Virginia nonintoxicating beer commissioner~~ commissioner in establishments which are for all
20 licensees required to post such the notice. ~~but are not subject to the supervision of the West~~
21 ~~Virginia Alcohol Beverage Control Commissioner~~

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-17. Wholesale prices set by commissioner; retail licensees to purchase liquor from state; transportation and storage; method of payment.

1 (a) The commissioner shall fix wholesale prices for the sale of liquor, other than wine, to
2 retail licensees. The commissioner shall sell liquor, other than wine, to retail licensees according
3 to a uniform pricing schedule. The commissioner shall obtain, if possible, upon request, any liquor
4 requested by a retail licensee and those permitted to manufacture and sell liquor pursuant to
5 ~~section three, article four of this chapter~~ §60-4-3 of this code.

6 (b) Wholesale prices shall be established in order to yield a net profit for the General
7 Revenue Fund of not less than \$6,500,000 annually on an annual volume of business equal to
8 the average for the past three years. The net revenue derived from the sale of alcoholic liquors
9 shall be deposited into the General Revenue Fund in the manner provided in ~~section seventeen,~~
10 ~~article three of this chapter~~ §60-3-17 of this code.

11 (c) Notwithstanding any provision of this code to the contrary, the commissioner shall
12 specify the maximum wholesale markup percentage which may be applied to the prices paid by
13 the commissioner for all liquor, other than wine, in order to determine the prices at which all liquor,
14 other than wine, will be sold to retail licensees. A retail licensee shall purchase all liquor, other
15 than wine, for resale in this state only from the commissioner, and the provisions of ~~sections~~
16 ~~twelve and thirteen, article six of this chapter~~ §60-6-12 and §60-6-13 of this code shall not apply
17 to the transportation of the liquor: *Provided*, That a retail licensee shall purchase wine from a wine

18 distributor who is duly licensed under ~~article eight of this chapter.~~ §60-8-1 et seq. of this code. All
19 liquor, other than wine, purchased by retail licensees shall be stored in the state at the retail outlet
20 or outlets operated by the retail licensee: *Provided, however,* That the commissioner, in his or her
21 discretion, may upon written request permit a retail licensee to store liquor at a site other than the
22 retail outlet or outlets.

23 (d) The sale of liquor by the commissioner to retail licensees shall be paid by electronic
24 funds transfer which shall be initiated by the commissioner on the business day following the retail
25 licensees order or by money order, certified check, or cashier's check which shall be received by
26 the commissioner at least 24 hours prior to the shipping of the alcoholic liquors: *Provided,* That if
27 a retail licensee posts with the commissioner an irrevocable letter of credit or bond with surety
28 acceptable to the commissioner from a financial institution acceptable to the commissioner
29 guaranteeing payment of checks, then the commissioner may accept the retail licensee's checks
30 in an amount up to the amount of the letter of credit.

31 (e) (1) A retail licensee may not sell liquor to persons licensed under the provisions of
32 ~~article seven of this chapter~~ §60-7-1 et seq. of this code at less than ~~one hundred ten percent~~ 115
33 percent of the retail licensee's cost as defined in §47-11A-6 of this code.

34 (2) A retail licensee may not sell liquor to the general public at less than ~~one hundred ten~~
35 percent 112.5 percent of the retail licensee's cost as defined in §47-11A-6 of this code.

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

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

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

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

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

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

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

25 ~~(3)~~ (C) Is organized and operated for legitimate purposes which has at least 100 duly-
26 elected or approved dues-paying members in good standing, which owns or leases a building or
27 other 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 club 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 club the general public is not
31 admitted, and which club maintains in the building or on the premises a suitable kitchen and dining

32 facility with related equipment and employs a sufficient number of persons for serving meals to
33 members and their guests; or

34 (4) (D) Is organized for legitimate purposes and owns or leases a building or other
35 delimited premises in any state, county, or municipal park, or at any airport, in which building or
36 premises a club has been established, to which club are admitted only duly-elected and approved
37 dues-paying members in good standing and their guests while in the company of a member and
38 to which club the general public is not admitted, and which maintains in connection with the club
39 a suitable kitchen and dining facility and related equipment and employs a sufficient number of
40 persons for serving meals in the club to the 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. The applicant or licensee desires to sell baked goods infused with liquor,
45 wine, or nonintoxicating beer or nonintoxicating craft beer, either: (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) the alcohol can be added by the purchaser from an infusion packet containing
48 alcohol no greater than 10 milliliters. This applicant or licensee may not sell liquor, wine, or
49 nonintoxicating beer or nonintoxicating craft beer for on or off-premises consumption. This
50 applicant or licensee may sell the baked goods with alcohol added as authorized for on and off-
51 premises consumption. Further, the applicant or licensee shall meet the criteria set forth in this
52 subdivision which:

53 (i) Has at least 50 members;

54 (ii) Operates a kitchen that produces baked goods, as specified in this subdivision,
55 including at least: (I) A baking oven and a four-burner range or hot plate; (II) a sink with hot and
56 cold running water; (III) a 17 cubic foot refrigerator or freezer, or some combination of a
57 refrigerator and freezer which is not used for alcohol cold storage; (IV) baking utensils and pans,

58 kitchen utensils, and other food consumption apparatus as determined by the commissioner; and
59 (V) food fit for human consumption available to be served during all hours of operation on the
60 licensed premises;

61 (iii) Maintains, at any one time, \$750 of food inventory capable of being prepared in the
62 private bakery's kitchen. In calculating the food inventory, the commissioner shall include
63 television dinners, bags of chips or similar products, microwavable food or meals, frozen meals,
64 pre-packaged foods, baking items such as flour, sugar, icing, and other confectionary items, or
65 canned prepared foods;

66 (iv) Uses an age verification system approved by the commissioner for the purpose of
67 verifying that persons under the age of 18 who are in the private club bar are accompanied by a
68 parent or legal guardian, and if a person under 18 years of age is not accompanied by a parent
69 or legal guardian that person may not be admitted as a guest; and

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

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

78 (A) Has at least 50 members;

79 (B) Operates a cigar shop and bar with a kitchen, including at least: (i) A two-burner hot
80 plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot
81 refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for
82 alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined

83 by the commissioner; and (v) food fit for human consumption available to be served during all
84 hours of operation on the licensed premises;

85 (C) Maintains, at any one time, \$500 of food inventory capable of being prepared in the
86 private club bar's kitchen or has on hand at least \$150 in food provided by a private caterer. In
87 calculating the food inventory, the commissioner shall include television dinners, bags of chips or
88 similar products, microwavable food or meals, frozen meals, pre-packaged foods, or canned
89 prepared foods;

90 (D) Uses an age verification system approved by the commissioner for the purpose of
91 verifying that persons under the age of 18 who are in the private club bar are accompanied by a
92 parent or legal guardian, and if a person under 18 years of age is not accompanied by a parent
93 or legal guardian, that person may not be admitted as a guest; and

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

95 ~~(7)~~ (8) "Private caterer" means a licensed private club restaurant, private hotel, or private
96 resort hotel authorized by the commissioner to cater and serve food and sell and serve alcoholic
97 liquors, or non-intoxicating beer or non-intoxicating craft beer. A private caterer shall purchase
98 wine sold or served at a catering event from a wine distributor. A private caterer shall purchase
99 nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a
100 licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet
101 authorized to sell in the market zone, where the catering event is held. The private caterer or the
102 persons or entity holding the catering event shall:

103 ~~(1)~~ (A) Have at least 10 members and guests attending the catering event;

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

106 ~~(3)~~ (C) Operate a private club restaurant on a daily operating basis;

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

110 ~~(5)~~ (E) Provide to the commissioner, at least 7 seven days before the event is to take
111 place:

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

114 ~~(B)~~ (ii) The name of the owner or operator of the unlicensed private venue;

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

117 ~~(D)~~ (iv) A floorplan of the unlicensed private venue to comprise the private catering
118 premises, which shall only include spaces in buildings or rooms of an unlicensed private venue
119 where the private caterer has control of the space for a set time period where the space safely
120 accounts for the ingress and egress of the stated members and guests who will be attending the
121 private catering event at the catering premises. The unlicensed private venue's floorplan during
122 the set time period as stated in the contract shall comprise the private caterer's licensed premises,
123 which is authorized for the lawful sale, service, and consumption of alcoholic liquors,
124 nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private
125 catering premises: *Provided*, That the unlicensed private venue shall: ~~(i)~~ (I) Be inside a building
126 or structure, ~~(ii)~~ (II) have other facilities to prepare and serve food and alcohol, ~~(iii)~~ (III) have
127 adequate restrooms and sufficient building facilities for the number of members and guests
128 expected to attend the private catering event, and ~~(iv)~~ (IV) otherwise be in compliance with health,
129 fire, safety, and zoning requirements;

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

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

135 ~~(8)~~ (H) Meet and be subject to all other private club requirements; and

136 ~~(9)~~ (I) Use an age verification system approved by the commissioner.

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

142 ~~(1)~~ (A) Has at least 100 members;

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

149 ~~(3)~~ (C) Maintains, at any one time, \$500 of food inventory capable of being prepared in
150 the private club bar’s kitchen. In calculating the food inventory, the commissioner shall include
151 television dinners, bags of chips or similar products, microwavable food or meals, frozen meals,
152 prepackaged foods, or canned prepared foods;

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

157 ~~(5)~~ (E) Meets and is subject to all other private club requirements.

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

166 (A) Has at least 10 members;

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

172 (C) Maintains, at any one time, \$500 of food inventory that is fit for human consumption
173 and capable of being prepared and served from the private food truck's kitchen during all hours
174 of operation;

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

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

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

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

191 (H) Requires liquor sold, furnished, tendered, or served pursuant to the license created by
192 this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous
193 market zone where the private food truck has its main business location, all in accordance with
194 §60-3A-1 et seq. of this code.

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

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

199 (K) Licensed representatives of a brewer, resident brewer, beer distributor, wine
200 distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor
201 broker representatives may attend a location where a private food truck is located and discuss
202 their respective products but may not engage in the selling, furnishing, tendering, or serving of
203 any nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

204 (L) Uses an age verification system approved by the commissioner for the purpose of
205 verifying that persons under the age of 18 who are in the private club bar are accompanied by a
206 parent or legal guardian, and if a person under 18 years of age is not accompanied by a parent
207 or legal guardian that person may not be admitted as a guest;

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

209 (N) Meets and is subject to all other applicable private club requirements.

210 ~~(H)~~ (11) “Private club restaurant” means an applicant for a private club or licensed private
211 club licensee that has a primary function of using the licensed premises as a restaurant for serving
212 freshly prepared meals and dining in the restaurant area. The private club restaurant may have a
213 bar area separate from or commingled with the restaurant, seating requirements for members
214 and guests ~~must~~ shall be met by the restaurant area. The applicant for a private club restaurant
215 license which: ~~shall meet the criteria set forth in this subsection which:~~

216 ~~(1)~~ (A) Has at least 100 members;

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

222 ~~(3)~~ (C) Maintains, at any one time, \$1,000 of fresh food inventory capable of being
223 prepared in the private club restaurant’s full kitchen. In calculating the food inventory, the
224 commissioner may not include television dinners, bags of chips or similar products, microwavable
225 meals, frozen meals, pre-packaged foods, or canned prepared foods;

226 ~~(4)~~ (D) Uses an age verification system approved by the commissioner for the purpose of
227 verifying that persons under 18 years of age who are in the bar area of a private club restaurant
228 are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar
229 area who is under the age of 18 years and who is not accompanied by a parent or legal guardian,
230 but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in
231 the restaurant area of a private club restaurant:

232 ~~(5)~~ (E) May uncork and serve members and guests up to two bottles of wine that a member
233 purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when
234 licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use
235 and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no

236 event may a member or a group of members and guests exceed two sealed bottles or containers
237 of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant
238 and for personal consumption by the member and guests. A member or guest may cork and
239 reseal any unconsumed wine bottles as provided in §60-8-3(j) of this code and the legislative
240 rules for carrying unconsumed wine off the licensed premises;

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

248 ~~(7)~~ (G) ~~Shall meet and be~~ Meets and is subject to all other private club requirements.

249 ~~(i)~~ (12) "Private manufacturer club" means an applicant for a private club or licensed
250 private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery,
251 farm winery, brewery, or resident brewery that manufacturers liquor, wine, nonintoxicating beer
252 or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests
253 for on-premises consumption at the licensee's licensed premises and in the area or areas denoted
254 on the licensee's floorplan, and which: ~~meets the criteria set forth in this subsection and which:~~

255 ~~(1)~~ (A) Has at least 100 members;

256 ~~(2)~~ (B) Offers tours, may offer complimentary samples, and may offer space as a
257 conference center or for meetings;

258 ~~(3)~~ (C) Operates a restaurant and full kitchen with ovens, four-burner ranges, a
259 refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen
260 utensils and apparatus as determined by the commissioner on the licensed premises and serves
261 freshly prepared food at least 15 hours per week;

262 ~~(4)~~ (D) Maintains, at any one time, \$500 of fresh food inventory capable of being prepared
263 in the private manufacturer club's full kitchen. In calculating the food inventory, the commissioner
264 may not include television dinners, bags of chips or similar products, microwavable meals, frozen
265 meals, pre-packaged foods, or canned prepared foods;

266 ~~(5)~~ (E) Owns or leases, controls, operates, and uses acreage amounting to at least one
267 acre which is contiguous bounded or fenced real property that would be listed on the licensee's
268 floorplan and may be used for large events such as weddings, reunions, conferences, meetings,
269 and sporting or recreational events;

270 ~~(6)~~ (F) Lists the entire property from ~~subdivision (5)~~ paragraph (E) of this subsection
271 subdivision and all adjoining buildings and structures on the private manufacturer club's floorplan
272 that would comprise the licensed premises, which would be authorized for the lawful sale, service,
273 and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine
274 throughout the licensed premises, whether these activities were conducted in a building or
275 structure or outdoors while on the private manufacturer club's licensed premises, and as noted
276 on the private manufacturer club's floorplan;

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

280 ~~(8)~~ (H) Uses an age verification system approved by the commissioner; and

281 ~~(9)~~ (I) Meets and is subject to all other private club requirements.

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

285 ~~(+)~~ (A) Has at least 100 members;

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

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

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

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

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

300 ~~(7)~~ (G) Uses an age verification system approved by the commissioner; and

301 ~~(8)~~ (H) Meets and is subject to all other private club requirements.

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

304 ~~(1)~~ (A) Has at least 2,000 members;

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

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

311 ~~(4)~~ (D) Maintains, at any one time, \$2,500 of fresh food inventory capable of being
312 prepared in the private hotel's full kitchen and in calculating the food inventory the commissioner
313 may not include microwavable, frozen, or canned foods;

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

319 ~~(6)~~ (F) Lists the entire property from ~~subdivision (5)~~ paragraph (E) of this subsection
320 subdivision and all adjoining buildings and structures on the private hotel's floorplan which would
321 comprise the licensed premises, which would be authorized for the lawful sales, service, and
322 consumption of alcoholic liquors throughout the licensed premises whether these activities were
323 conducted in a building or structure or outdoors while on the private hotel's licensed premises and
324 as noted on the private hotel's floorplan;

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

328 ~~(8)~~ (H) Uses an age verification system approved by the commissioner; ~~and~~

329 ~~(9)~~ (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
331 be 21 years of age or older to have secure access via key or key card to an in-room mini-bar in
332 their rented short-term accommodation; the mini-bar may be a small refrigerator not in excess of
333 1.6 cubic feet for the sale of nonintoxicating beer or nonintoxicating craft beer, wine, hard cider,
334 and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any
335 combination of 12 fluid ounce cans or bottles not exceeding 72 fluid ounces of nonintoxicating
336 beer or 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
340 the sale of nonintoxicating beer, nonintoxicating craft beer, wine, and liquor. All nonintoxicating
341 beer or nonintoxicating craft beer available for sale shall be purchased from the licensed
342 distributor in the area where licensed. All wine or hard cider available for sale shall be purchased
343 from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be
344 purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The
345 mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

346 (+) (15) "Private resort hotel" means an applicant for a private club or licensed private club
347 licensee which: meeting the criteria set forth in this subsection which:

348 (+) (A) Has at least 5,000 members;

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

351 (+) (C) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in
352 freezers, and other kitchen utensils and apparatus as determined by the commissioner on the
353 licensed premises and serves freshly prepared food at least 25 hours per week;

354 (+) (D) Maintains, at any one time, \$5,000 of fresh food inventory capable of being
355 prepared in the private resort hotel's full kitchen. ~~and~~ In calculating the food inventory the
356 commissioner may not include microwavable, frozen, or canned foods;

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

361 (+) (F) Lists the entire property from ~~subdivision (5) paragraph (E) of this subsection~~
362 subdivision and all adjoining buildings and structures on the private resort hotel's floorplan ~~which~~

363 ~~would comprise~~ comprising the licensed premises, ~~which~~ would be authorized for the lawful sales,
364 service, and consumption of alcoholic liquors throughout the licensed premises whether these
365 activities were conducted in a building or structure or outdoors while on the private resort hotel's
366 licensed premises; ~~and as noted on the private resort hotel's floorplan;~~

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

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

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

372 ~~(10)~~ (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 complimentary
375 samples at the resident brewery; and

376 (K) May provide members and guests who are verified by proper form of identification to
377 be 21 years of age or older to have access via key or key card to an in-room mini-bar in their
378 rented short-term accommodation. The mini-bar may be a small refrigerator not in excess of 3.2
379 cubic feet for the sale of nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, and
380 liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination
381 of 12 fluid ounce cans or bottles not exceeding 144 fluid ounces of nonintoxicating beer or
382 nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not
383 exceeding one and a half liters of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100
384 ml, 200 ml, and 375 ml with any combination of such liquor bottles not exceeding one and a half
385 liters; and (iv) any combination of canned or packaged food valued at least \$100. All markups,
386 fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer,
387 wine, and liquor. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be
388 purchased from the licensed distributor in the area where licensed. All wine or hard cider available

389 for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor
390 available for sale shall be purchased from the licensed retail liquor outlet in the market zone of
391 the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit
392 the member and guest.

393 ~~(m)~~ (16) "Private golf club" means an applicant for a private club or licensed private club
394 licensee meeting the criteria set forth in this ~~subsection~~ subdivision which:

395 ~~(1)~~ (A) Has at least 100 members;

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

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

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

405 ~~(5)~~ (E) Lists the entire property from ~~subdivision (4)~~ paragraph D of this subsection and all
406 adjoining buildings and structures on the private golf club's floorplan ~~which would comprise~~
407 comprising the licensed premises, ~~which~~ would be authorized for the lawful sales, service, and
408 consumption of alcoholic liquors throughout the licensed premises whether these activities were
409 conducted in a building or structure or outdoors while on the private golf club's licensed premises;
410 ~~and as noted on the private golf club's floorplan;~~

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

413 ~~(7)~~ (G) Uses an age verification system approved by the commissioner; and

414 ~~(8)~~ (H) Meets and is subject to all other private club requirements.

415 ~~(n)~~ (17) “Private nine-hole golf course” means an applicant for a private club or licensed
416 private club licensee meeting the criteria set forth in this ~~subsection~~ subdivision which:

417 ~~(1)~~ (A) Has at least 50 members;

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

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

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

428 ~~(5)~~ (E) Lists the entire property from ~~subdivision (4) paragraph (D)~~ subdivision
429 subdivision and all adjoining buildings and structures on the private nine-hole golf course’s
430 floorplan ~~which would comprise~~ comprising the licensed premises, ~~which~~ would be authorized for
431 the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises
432 whether these activities were conducted in a building or structure or outdoors while on the private
433 nine-hole golf course’s licensed premises; ~~and as noted on the private nine-hole golf course’s~~
434 ~~floorplan;~~

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

437 ~~(7)~~ (G) Uses an age verification system approved by the commissioner; and

438 ~~(8)~~ (H) Meets and is subject to all other private club requirements.

439 ~~(e)~~ (18) “Private tennis club” means an applicant for a private club or licensed private club
440 licensee ~~meeting the criteria set forth in this subsection~~ subdivision which:

441 (1) (A) Has at least 100 members;

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

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

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

450 (5) (E) Lists the entire property from ~~subdivision (4) paragraph (D)~~ of this subsection
451 subdivision and all adjoining buildings and structures on the private tennis club's floorplan ~~that~~
452 ~~would comprise~~ comprising the licensed premises, ~~which~~ would be authorized for the lawful sales,
453 service, and consumption of alcoholic liquors throughout the licensed premises whether these
454 activities were conducted in a building or structure or outdoors while on the private tennis club's
455 licensed premises; ~~and as noted on the private tennis club's floorplan;~~

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

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

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

461 (19) "Private college sports stadium" means an applicant for a private club or licensed
462 private club licensee that operates a college or university stadium or coliseum for Division I, II, or
463 III and involves a college public or private or university that is a member of the National Collegiate
464 Athletic Association, or its successor, and uses the facility for football, basketball, baseball,
465 soccer, or other Division I, II, or III sports, reserved weddings, reunions, conferences, meetings,
466 or other special events and does not maintain daily or regular operating hours as a bar or

467 restaurant. The licensee may sell alcoholic liquors when conducting or temporarily hosting non-
468 collegiate sporting events. This license may be issued in the name of the National Collegiate
469 Athletic Association Division I, II, or III college or university or the name of the primary food and
470 beverage vendor under contract with that college or university. All alcohol sales shall take place
471 within the confines of the college stadium: *Provided*, That any outside area approved for alcohol
472 sales shall be surrounded by a fence or other barrier prohibiting entry except upon the college or
473 university's express permission, and under the conditions and restrictions established by the
474 college or university, so that the alcohol sales area is closed in order to prevent entry and access
475 by the general public. Further the applicant shall:

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

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

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

485 (D) Own or lease, control, operate, and use acreage amounting to at least two contiguous
486 acres of bounded or fenced real property, as determined by the commissioner, which would be
487 listed on the private college stadium's floorplan and could be used for contracted-for temporary
488 non-collegiate sporting events, group-type weddings, reunions, conferences, meetings, or other
489 events;

490 (E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings
491 and structures on the private college sports stadium's floorplan which would comprise the licensed
492 premises, which would be authorized for the lawful sales, service, and consumption of alcoholic

493 liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises
494 whether these activities were conducted in a building or structure or outdoors while on the private
495 college sports stadium's licensed premises and as noted on the private college sports stadium's
496 floorplan;

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

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

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

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

507 ~~(1)~~ (A) Have at least 1,000 members;

508 ~~(2)~~ (B) Maintain an open-air or closed-air stadium venue primarily used for sporting events,
509 such as football, baseball, soccer, auto racing, or other professional sports, and also weddings,
510 reunions, conferences, meetings, or other events where parties ~~must~~ reserve the stadium venue
511 in advance of the event;

512 ~~(3)~~ (C) Operate a restaurant and full kitchen with ovens, as determined by the
513 commissioner, on the licensed premises and capable of serving freshly prepared food or meals
514 to serve its stated members, guests, and patrons who will be attending the event at the private
515 professional sports stadium;

516 ~~(4)~~ (D) Own or lease, control, operate, and use acreage amounting to at least three
517 contiguous acres of bounded or fenced real property, as determined by the commissioner, which
518 would be listed on the professional sports stadium's floorplan and could be used for contracted-

519 for professional sporting events, group-type weddings, reunions, conferences, meetings, or other
520 events;

521 ~~(5)~~ (E) List the entire property from ~~subdivision (4)~~ paragraph (D) of this ~~subsection~~
522 subdivision and all adjoining buildings and structures on the private professional sports stadium's
523 floorplan ~~which would comprise~~ comprising the licensed premises, ~~which would~~ and be
524 authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the
525 licensed premises whether these activities were conducted in a building or structure or outdoors
526 while on the private professional sports stadium's licensed premises; ~~and as noted on the private~~
527 ~~professional sports stadium's floorplan;~~

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

530 ~~(7)~~ (G) Meet and be subject to all other private club requirements; and

531 ~~(8)~~ (H) Use an age verification system approved by the commissioner.

532 ~~(9)~~ (21) "Private farmers market" means an applicant for a private club or licensed private
533 club licensee that operates as an association of bars, restaurants, retailers who sell West Virginia-
534 made products among other products, and other stores who open primarily during daytime hours
535 of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the
536 sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur
537 for on-premises consumption, such as reserved weddings, reserved dinners, pairing events,
538 tasting events, reunions, conferences, meetings, or other special events and does not maintain
539 daily or regular operating hours as a bar or restaurant, and all ~~business~~ businesses that are
540 members of the association have agreed in writing to be liable and responsible for all sales,
541 service, furnishing, tendering, and consumption of alcoholic liquors and nonintoxicating beer or
542 nonintoxicating craft beer occurring on the entire licensed premises of the private farmer's market,
543 including indoor and outdoor bounded areas, and further the applicant shall:

544 ~~(4)~~ (A) Have at least 100 members;

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

549 ~~(3)~~ (C) Have one or more members operating who maintain, at any one time, \$1,000 of
550 fresh food inventory capable of being prepared for events conducted at the private farmers market
551 in the private club restaurant's full kitchen, and in calculating the food inventory the commissioner
552 may not include television dinners, bags of chips or similar products, microwavable meals, frozen
553 meals, pre-packaged foods, or canned prepared foods;

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

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

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

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

572 ~~(8)~~ (H) Only use its employees, independent contractors, or volunteers to purchase, sell,
573 furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

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

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

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

583 ~~(12)~~ (L) Use an age verification system approved by the commissioner; and

584 ~~(13)~~ (M) Meet and be subject to all other private club requirements.

585 ~~(14)~~ (22) "Private wedding venue or barn" means an applicant for a private club or licensed
586 private club licensee that is only open for reserved weddings, reunions, conferences, meetings,
587 or other events and does not maintain daily or regular operating hours, and which:

588 ~~(1)~~ (A) Has at least 25 members;

589 ~~(2)~~ (B) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions,
590 conferences, meetings, or other events where parties ~~must~~ reserve or contract for the venue,
591 facility, barn, or pavilion in advance of the event;

592 ~~(3)~~ (C) Operates a restaurant and full kitchen with ovens, as determined by the
593 commissioner, on the licensed premises ~~and~~ that is capable of serving freshly prepared food, or
594 may engage a food caterer to provide adequate freshly prepared food or meals to serve its stated

595 members, guests, and patrons who will be attending the event at the private wedding venue or
596 barn. The applicant or licensee shall provide written documentation including a list of food caterers
597 or written agreements regarding any food catering operations to the commissioner prior to
598 approval of a food catering event;

599 ~~(4)~~ (D) Owns or leases, controls, operates, and uses acreage amounting to at least two
600 contiguous acres of bounded or fenced real property. The applicant or licensee shall verify that,
601 the property is not less than two acres and is remotely located, subject to the commissioner's
602 approval. The bounded or fenced real property may be listed on the private wedding venue's
603 floorplan and may be used for large events such as weddings, reunions, conferences, meetings,
604 or other events;

605 ~~(5)~~ (E) Lists the entire property from ~~subdivision (4)~~ paragraph (D) of this ~~subsection~~
606 subdivision and all adjoining buildings and structures on the private wedding venue or barn's
607 floorplan that would comprise the licensed premises, ~~which~~ and would be authorized for the lawful
608 sales, service, and consumption of alcoholic liquors throughout the licensed premises whether
609 these activities were conducted in a building or structure or outdoors while on the private wedding
610 venue or barn's licensed premises; ~~and as noted on the private wedding venue or barn's floorplan;~~

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

613 ~~(7)~~ (G) Meets and is subject to all other private club requirements; and

614 ~~(8)~~ (H) Uses an age verification system approved by the commissioner.

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

619 ~~(4)~~ (A) Has at least 100 members;

620 ~~(2)~~ (B) Maintains an open-air multi-sport complex primarily for use for sporting events,
621 such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct
622 weddings, concerts, reunions, conferences, meetings, or other events where parties ~~must~~ reserve
623 the parts of the sports complex in advance of the sporting or other event;

624 ~~(3)~~ (C) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as
625 determined by the commissioner, on the licensed premises and capable of serving freshly
626 prepared food, or meals to serve its stated members, guests, and patrons who will be attending
627 the event at the private ~~professional sports stadium~~ multi-sport complex. A licensee may contract
628 with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in
629 areas of the multi-sport complex not readily accessible by the main facility;

630 ~~(4)~~ (D) Maintains, at any one time, \$1,000 of fresh food inventory capable of being
631 prepared in the private multi-sport complex's full kitchen. In calculating the food inventory, the
632 commissioner may not include television dinners, bags of chips or similar products, microwavable
633 meals, frozen meals, prepackaged foods, or canned prepared foods;

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

639 ~~(6)~~ (F) Lists the entire property from ~~subdivision (5)~~ paragraph (E) of this ~~subsection~~
640 subdivision and all adjoining buildings and structures on the private multi-sport complex's
641 floorplan which would comprise the licensed premises, which would be authorized for the lawful
642 sales, service, and consumption of alcoholic liquors throughout the licensed premises whether
643 these activities were conducted in a building or structure or outdoors while on the private multi-
644 sport complex's licensed premises and as noted on the private multi-sport complex's floorplan.
645 The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer from

646 a golf cart or food truck owned or leased by the licensee and also operated by the licensee when
647 the golf cart or food truck is located on the private multi-sport complex's licensed premises;

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

650 ~~(8)~~ (H) Meets and is subject to all other private club requirements; and

651 ~~(9)~~ (I) Uses an age verification system approved by the commissioner.

652 The Department of Natural Resources, the authority governing any county or municipal
653 park, or any county commission, municipality, other governmental entity, public corporation, or
654 public authority operating any park or airport may lease, as lessor, a building or portion thereof or
655 other limited premises in any park or airport to any corporation or unincorporated association for
656 the establishment of a private club pursuant to this article.

§60-7-6. Annual license fee; partial fee; and reactivation fee.

1 (a) The annual license fee for a license issued under the provisions of this article to a
2 fraternal or veterans' organization or a nonprofit social club is \$750.

3 (b) The annual license fee for a license issued under the provisions of this article to a
4 private club other than a private club of the type specified in subsection (a) of this section is \$1,000
5 if the private club bar or restaurant has fewer than 1,000 members; \$1,000 for a private club
6 restaurant, private hotel, or private resort hotel to be licensed as a private caterer as defined in
7 §60-7-2 of this code; \$500 if the private club is a private bakery; \$1,500 if the private club is a
8 private wedding venue or barn or a private cigar shop; \$2,000 if the private club is a private nine-
9 hole golf course, private farmers market, private food truck, private college sports stadium, private
10 professional sports stadium, private multi-sport complex, private manufacturer club, or a private
11 tennis club as defined in §60-7-2 of this code; \$2,500 if the private club bar or private club
12 restaurant has 1,000 or more members; \$4,000 if the private club is a private hotel with three or
13 fewer designated areas or a private golf club as defined in §60-7-2 of this code; and further, if the
14 private club is a private resort hotel as defined in §60-7-2 of this code, the private resort hotel may

15 designate areas within the licensed premises for the lawful sale, service, and consumption of
16 alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel
17 with five or fewer designated areas is \$7,500 and the annual license fee for a private resort hotel
18 with at least six, but no more than 10 designated areas is \$12,500. The annual license fee for a
19 private resort hotel with at least 11, but no more than 15 designated areas shall be \$17,500. The
20 annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated
21 areas is \$22,500. A private resort hotel that obtained the license and paid the \$22,500 annual
22 license fee may, upon application to and approval of the commissioner, designate additional areas
23 for a period not to exceed seven days for an additional fee of \$150 per day, per designated area.

24 (c) The fee for any license issued following January 1 of any year that expires on June 30
25 of that year is one half of the annual license fee prescribed by subsections (a) and (b) of this
26 section.

27 (d) A licensee that fails to complete a renewal application and make payment of its annual
28 license fee in renewing its license on or before June 30 of any subsequent year, after initial
29 application, shall be charged an additional \$150 reactivation fee. The fee payment may not be
30 prorated or refunded, and the reactivation fee shall be paid prior to the processing of any renewal
31 application and payment of the applicable full year annual license fee. A licensee who continues
32 to operate upon the expiration of its license is subject to all fines, penalties, and sanctions
33 available in §60-7-13 and §60-7-13a of this code, all as determined by the commissioner.

34 (e) The commissioner shall pay the fees to the State Treasurer ~~and credited to~~ for deposit
35 into the General Revenue Fund of the state.

36 (f) The Legislature finds that the hospitality industry has been particularly damaged by the
37 COVID-19 pandemic and that some assistance is warranted to promote reopening and continued
38 operation of private clubs and restaurants licensed under this article. Accordingly, the fees set
39 forth in subsections (a) and (b) of this section are temporarily modified as follows;

40 (1) License fees for the license period beginning July 1, 2021, shall be reduced to one
41 third of the rate set forth in subsections (a) and (b) of this section;

42 (2) License fees for the license period beginning July 1, 2022, shall be two thirds of the
43 rate set forth in subsections (a) and (b) of this section; and

44 (3) License fees for the license period beginning July 1, 2023, and beyond, shall be as set
45 forth in subsections (a) and (b) of this section.

ARTICLE 8. SALE OF WINES.

§60-8-6c. Winery and farm winery license to sell wine growlers and provide complimentary samples prior to purchasing a wine growler.

1 (a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to
2 regulate, control, and support the brewing, manufacturing, distribution, sale, consumption,
3 transportation, and storage of wine and its industry in this state to protect the public health,
4 welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore,
5 this section authorizes a licensed winery or farm winery with its principal place of business and
6 manufacture located in this state to have certain abilities to promote the sale of wine manufactured
7 in this state for the benefit of the citizens of this state, the state’s growing wine industry, and the
8 state’s hospitality and tourism industry, all of which are vital components for the state’s economy.

9 (b) *Sales of wine.* — A licensed winery or farm winery with its principal place of business
10 and manufacture located in the State of West Virginia may, when licensed under this section,
11 offer only wine manufactured by the licensed winery or farm winery for retail sale to customers
12 from the winery or farm winery’s licensed premises for consumption off of the licensed premises
13 only in the form of original container sealed wine kegs, wine bottles, or wine cans, or also a sealed
14 wine growler for personal consumption, and not for resale. A licensed winery or farm winery may
15 not sell, give, or furnish wine for consumption on the premises of the principal place of business
16 and manufacture located in the State of West Virginia, except for the limited purpose of

17 complimentary samples as permitted in subsection (c) of this section or unless separately licensed
18 as a private wine restaurant or a private manufacturer club.

19 (c) *Complimentary samples.* — A licensed winery or farm winery with its principal place of
20 business and manufacture located in the State of West Virginia may offer complimentary samples
21 of wine as set forth in §60-4-3b of this code.

22 (d) *Retail sales.* — Every licensed winery or farm winery under this section shall comply
23 with all the provisions of this article as applicable to wine retailers when conducting wine growler
24 sales and is subject to all applicable requirements and penalties in this article.

25 (e) *Payment of taxes and fees.* — A winery or farm winery licensed under this section shall
26 pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees
27 required, and shall meet applicable licensing provisions as required by this chapter and by rule of
28 the commissioner.

29 (f) *Advertising.* — A winery or farm winery under this section may advertise a particular
30 brand or brands of wine produced by the licensed winery or farm winery and the price of the wine
31 subject to state and federal requirements or restrictions. The advertisement may not encourage
32 intemperance or target minors.

33 (g) *Wine Growler defined.* — For purposes of this section and section §60-8-6d of the code,
34 “wine growler” means a container or jug that is made of glass, ceramic, metal, or other material
35 approved by the commissioner, that may be no larger than 128 fluid ounces in size and is capable
36 of being securely sealed. The growler may be used by an authorized licensee for purposes of off-
37 premises sales only of wine for personal consumption, and not for resale. The wine served and
38 sold in a sealed wine growler may include ice or water mixed with the wine to create a frozen
39 alcoholic beverage. Any frozen alcoholic beverage machine used for filling wine growlers shall be
40 sanitized daily and shall be under control and served by the licensee from the secure area.

41 Notwithstanding any other provision of this code to the contrary, a securely sealed wine growler
42 is not an open container under state and local law. A wine growler with a broken seal is an open

43 container under state and local law unless it is located in an area of the motor vehicle physically
44 separated from the passenger compartment. For purpose of this article, a secure seal means
45 using a tamper evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve
46 extending around the cap or lid of wine growler to form a seal that ~~must~~ shall be broken when the
47 container is opened; or (2) A screw top cap or lid that breaks apart when the wine growler is
48 opened.

49 (h) *Wine Growler requirements.* — A winery or farm winery licensed under this section
50 shall prevent patrons from accessing the secure area where the winery or farm winery fills a wine
51 growler and prevent patrons from filling a wine growler. A licensed winery or farm winery under
52 this section shall sanitize, fill, securely seal, and label any wine growler prior to its sale. A licensed
53 winery or farm winery under this section may refill a wine growler subject to the requirements of
54 this section. A winery or farm winery shall visually inspect any wine growler before filling or refilling
55 it. A winery or farm winery may not fill or refill any wine growler that appears to be cracked, broken,
56 unsafe, or otherwise unfit to serve as a sealed beverage container.

57 (i) *Wine Growler labeling.* — A winery or farm winery licensed under this section selling
58 wine growlers shall affix a conspicuous label on all sold and securely sealed wine growlers listing
59 the name of the licensee selling the wine growler, the brand of the wine in the wine growler, the
60 alcohol content by volume of the wine in the wine growler, and the date the wine growler was
61 filled or refilled. All labeling on the wine growler shall be consistent with all federal labeling and
62 warning requirements.

63 (j) *Wine Growler sanitation.* — A licensed winery or farm winery authorized under this
64 section shall clean and sanitize all wine growlers it fills or refills in accordance with all state and
65 county health requirements prior to its filling and sealing. In addition, the licensed winery or farm
66 winery shall sanitize, in accordance with all state and county health requirements, all taps, tap
67 lines, pipelines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure
68 to comply with this subsection may result in penalties under this article.

69 (k) *Fee.* — There is no additional fee for a licensed winery or farm winery authorized under
70 this section to sell wine growlers, but the licensee shall meet all other requirements of this section.

71 (l) *Limitations on licensees.* — To be authorized under this section, a licensed winery or
72 farm winery may not produce more than 10,000 gallons of wine per calendar year at the winery
73 or farm winery’s principal place of business and manufacture located in the State of West Virginia.
74 A licensed winery or farm winery authorized under this section is subject to the applicable
75 penalties under this article for violations of this section.

76 (m) *Rules.* — The commissioner, in consultation with the Bureau for Public Health, may
77 propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et*
78 *seq.* of this code, to implement this section.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

§61-8-27. Unlawful admission of children to dance house, etc.; penalty.

1 Any proprietor or any person in charge of a dance house, concert saloon, theater,
2 museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors
3 are sold or given away, or any place of entertainment injurious to health or morals who admits or
4 permits to remain therein any minor under the age of 18 years, unless accompanied by his or her
5 parent or guardian, is guilty of a misdemeanor and, ~~on~~ upon conviction thereof, shall be punished
6 by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A
7 private bakery, private cigar shop, private caterer, private club restaurant, private manufacturer
8 club, private fair and festival, private resort hotel, private hotel, private golf club, private food truck,
9 private nine-hole golf course, private tennis club, private wedding venue or barn, private outdoor
10 dining and private outdoor street dining, private multi-vendor fair and festival license, private
11 farmers market, private college sports stadium or coliseum, private professional sports stadium,
12 and a private multi-sports complex licensed pursuant to §60-7-1 *et seq.* of this code and in
13 compliance with ~~§60-7-2(f)(115), §60-7-2(h)(49), §60-7-2(i)(8), §60-7-2(j)(7), §60-7-2(k)(84), §60-~~

14 ~~7-2(l)(8), §60-7-2(m)(7), §60-7-2(n)(7~~8~~), §60-7-2(o)(8), §60-7-2(p)(8~~7~~), §60-7-2(q)(12~~8~~), §60-7-~~
15 ~~2(r)(8), §60-7-2(s)(9~~7~~), §60-7-2(6)(iv), §60-7-2(7)(D), §60-7-2(8)(I), §60-7-2(10)(L), §60-7-~~
16 ~~2(11)(D), §60-7-2(12)(H), §60-7-2(13)(6), §60-7-2(14)(H), 60-7-2(15)(H), §60-7-2(16)(G), §60-7-~~
17 ~~2(17)(G), §60-7-2(18)(H), §60-7-2(19)(H), §60-7-2(20)(H), §60-7-2(21)(L), §60-7-2(22)(H), §60-~~
18 ~~7-2(23)(H), §60-7-8c(b)(14), §60-7-8d, and §60-8-32a of this code; or (b) a private club with more~~
19 than 1,000 members that is in good standing with the Alcohol Beverage Control Commissioner,
20 that has been approved by the Alcohol Beverage Control Commissioner; and which has
21 designated certain seating areas on its licensed premises as nonalcoholic liquor and
22 nonintoxicating beer areas, as noted in the licensee's floorplan, by using a mandatory carding or
23 identification program by which all members or guests being served or sold alcoholic liquors,
24 nonintoxicating beer or nonintoxicating craft beer are asked and required to provide their proper
25 identification to verify their identity and further that they are of legal drinking age, 21 years of age
26 or older, prior to each sale or service of alcoholic liquors, nonintoxicating beer or nonintoxicating
27 craft beer.