



STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION

900 Pennsylvania Ave., 4th Floor
Charleston, West Virginia 25302

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COMMISSIONER

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REVISED

9th Revision per EO 12-21 effective April 30, 2021

**WVABCA OUTDOOR DINING AREA and
ENTERTAINMENT ADVISORY**

Per West Virginia Governor Jim Justice and the Executive Orders related to COVID-19 and the West Virginia Strong, The Comeback Plan, the Governor has been working with WVABCA Commissioner Fred Wooton to permit outdoor dining at licensed businesses and restaurants who must serve “freshly prepared food and meals” (not bars with limited food service, such as a bag of chips or frozen tv dinner/meal) and who must follow the Governor’s West Virginia Strong, The Comeback Plan - <https://governor.wv.gov/The-Comeback/Pages/default.aspx>.

A current licensee meeting the fresh food requirements and in good standing who also has a deck or patio already on its licensed floorplan or has a locally authorized/approved sidewalk dining area on its licensed floorplan may resume providing food and alcohol on the deck, patio or sidewalk area as authorized, subject to the outdoor dining area advisory and other requirements noted herein. No further action is necessary for this licensee.

A current licensee (in good standing) without an approved temporary outdoor dining area who meets the freshly prepared food requirement will be permitted to apply for a **new or expanded temporary area** to conduct limited outdoor dining with the sale of freshly prepared food and meals, and the sale, service and consumption of alcoholic beverages, including nonintoxicating beer, wine and liquor, as applicable. Such current licensees may apply for a 30-day permit, which is renewable, during the State of Emergency (and which would expire at the end the State of Emergency or 30 days).

Note, approved temporary outdoor dining areas may be periodically closed as needed when COVID-19 circumstances dictate closure by the State, WVABCA or state and local health departments.

Current licensees may apply for **new or expanded temporary area** for limited outdoor dining as follows:

(a) a **Tavern licensee** may obtain, upon application and approval (on a form provided by the WVABCA Commissioner at www.abca.wv.gov), a nonintoxicating beer floor plan extension (W. Va. Code §11-16-3(14) and §11-16-9(g)) to conduct nonintoxicating beer sales for on-premises consumption only in a contiguous outdoor dining area to the licensee’s licensed premises, as determined by the Commissioner, for no additional fee, where all sales, service and consumption of food and alcohol shall cease on or before the WVABCA’s stated hours of operation;

(b) a **Private Wine Restaurant (including a Private Wine Bed And Breakfast or Private Wine Spa) (wine only) or a Private Wine Restaurant with beer licensee** may obtain, upon application and approval (on a form provided by the WVABCA Commissioner at www.abca.wv.gov), a Class S special fair and festival event beer and wine license (W. Va. Code § 60-8-3(h)), to conduct wine only or nonintoxicating beer and wine sales for on-premises consumption only in a contiguous outdoor dining area to the licensee's licensed premises, as determined by the Commissioner, for no additional fee, where all food and alcohol sales, service and consumption shall cease on or before the WVABCA's stated hours of operation; and

(c) a **Private club (including a Private Resort Hotel, Private Hotel, Private Golf Club or Private 9-Hole Golf Course)** licensee may obtain, upon application and approval (on a form provided by the WVABCA Commissioner at www.abca.wv.gov), a Class S2 private fair and festival license (W. Va. Code § 60-7-8a) to conduct nonintoxicating beer, wine and liquor sales for on-premises consumption only in a contiguous outdoor dining area to the licensee's licensed premises, as determined by the Commissioner, for no additional fee, where all food and alcohol sales, service and consumption shall cease on or before the WVABCA's stated hours of operation.

Requirements: (a) A current licensee must submit a temporary outdoor dining area application and be approved prior to food and alcohol operations in any new or expanded outdoor dining area.

(b) The WVABCA expects the licensee to verify that the age of the person purchasing alcohol is 21 years of age or over and that the person is not intoxicated.

(c) Further, the parties should complete the verifications noted above and comply with the Governor's indoor mask requirements for staff and patrons, as applicable, and all state and local health department guidelines.

ADDITIONAL INFORMATION: All approved licensees may continue food and sealed alcohol take-away orders and or limited home delivery during normal hours of operation. Carnivals, fairs and festivals may obtain licenses for events as of May 1, 2021. Live music performances are encouraged to be held outdoors, where practicable.