

ABCA

## WVABCA REGULATORY REVIEW REPORT

Rule & Name	Description w/ rule dates	Recommendation	Reasoning. If modified or repealed, identify stakeholders affected.
<b>175 CSR 1</b> Licensed Retail Operations	<p>The rule explains and clarifies retail liquor outlets' process for ordering, paying, receiving, transporting and advertising alcoholic liquors. The rule also explains permissible activities of retail liquor outlets and the relationship between retailers and manufacturers in WV's 3 Tier system.</p> <p><u>2012</u> – Licensed Retailer Operations  <u>2011</u> – Licensed Retailer Operations  <u>2008</u> – Retail Licensee Operations  <u>2005</u> – Retail Licensee Operations  <u>2000</u> – Retail Licensee Operations  <u>1991</u> – Retail Licensee Operations  <u>1983</u> – Advertising &amp; Transporting</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to regulate the operations of retail liquor outlets.</p> <p>The rule is effective and consistent with state and federal law.</p>
<b>5 CSR 2</b> Private Club Licensing	<p>The rule specifies private club licensure requirements; private club license denial requirements; private club violations, penalties, suspension and revocation requirements; and the hearing process for denials and violations.</p> <p><u>2015</u> – Private Club Licensing  <u>2014</u> – Private Club Licensing  <u>2007</u> – Private Club Licensing  <u>2005</u> – Private Club Licensing  <u>2000</u> – Private Club Licensing  <u>1991</u> – Private Club Licensing  <u>1983</u> – Private Club License  <u>1972</u> – Rules and Reg of the Commissioner Relating to Sales of Alcohol</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to regulate the private club operations.</p> <p>The rule is effective and consistent with state and federal law.</p>
<b>175 CSR 3</b> Farm Wineries	<p>The rule specifies the license requirements and procedures for licensing and operating farm wineries.</p> <p><u>2014</u> – Farm Wineries  <u>2008</u> – Farm Wineries  <u>1991</u> – Farm Wineries  <u>1981</u> – Farm Wineries  <u>1975</u> - Rules and Reg of the Commissioner Relating to Private Clubs</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to regulate farm wineries.</p> <p>The rule is effective and consistent with state and federal law.</p>

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<b>175 CSR 4</b> Sale of Wine	<p>The rule sets forth the requirements for the supply (wineries and wine suppliers), distribution (wine distributors) and retail sale of wine by WV licensed retailers, grocery stores, direct shippers, wine specialty shops, private wine bed and breakfasts, private wine restaurants and private wine spas. The rule also sets forth the licensure, trade practice, and operational requirements along with the violations and penalties.</p> <p><u>2014</u> – Sale of Wine  <u>2008</u> – Sale of Wine  <u>1992</u> – Retail Sale of Wine in Grocery Stores, Wine Specialty Shops and Private Wine Restaurants  <u>1991</u> – Retail Sale of Wine in Grocery Stores, Wine Specialty Shops and Private Wine Restaurants  <u>1981</u> – Retail Sale of Wine in Grocery Stores and Wine Specialty Shops  <u>1975</u> - Retail Sale of Wine in Grocery Stores, Wine Specialty Shops and Private Wine Restaurants</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to regulate the sale, supply and distribution of wine.</p> <p>The rule is effective and consistent with state and federal law.</p>
<b>175 CSR 5</b> Licensing of Retail Outlets	<p>The rule explains the process to operate and maintain a retail liquor outlet license for 10-year franchise periods. The rule specifically details the rebid process to operate a freestanding liquor retail outlet or a mixed retail liquor outlet.</p> <p><u>2012</u> – Licensing of Retail Outlets  <u>2011</u> – Licensing of Retail Outlets  <u>2007</u> - Licensing of Retail Liquor Stores  <u>2001</u> - Licensing of Retail Liquor Stores  <u>1991</u> - Licensing of Retail Liquor Stores</p>	Continued without change	<p>The rule has been reviewed and is used to regulate the the licensed of retail liquor outlets on an ongoing basis as licenses are transferred and rebid.</p> <p>The rule is effective and consistent with state and federal law.</p>
<b>175 CSR 6</b> Bailment Policies and Procedures	<p>The rule explains the WVABCA procedures and policies for the day to day operation of the bailment warehouse whereby liquor is provided through the bailment process to retail liquor outlets.</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to conduct operations at the WVABCA bailment warehouse and generate substantial revenue to the state.</p> <p>The rule is effective and consistent with state and federal law.</p>

175 CSR 6 (cont'd)	2008 – Bailment Policies and Procedures 2005 – Bailment Policies and Procedures 1991 – Bailment Policies and Procedures		
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Rule & Name	Description w/ dates	Recommendation	Reasoning. If modified or repealed, identify stakeholders affected.
<b>176 CSR 1</b> Nonintoxicating Beer Licensing and Operations Procedures	<p>This rule sets forth the beer on and off premises licensure, and the brewer and resident brewer licensure requirements. The rule further explains pricing, franchise agreements, brand registration, hearing process, violations and penalties.</p> <p><u>2015</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>2014</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>2010</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>2007</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>1995</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>1991</u> – Nonintoxicating Beer Licensing and Operations Procedures  <u>1967</u> – Rules and Regulations Pertaining to the WV Nonintoxicating Beer Commissioner</p>	Continued without change	<p>The rule has been reviewed and is used on a daily basis to license and regulate the sale and distribution of beer.</p> <p>The rule is effective and consistent with state and federal law.</p>