

Private Farmers Market

“**Private Farmers Market**” means an applicant or licensee that operate as an association of: (a) bars; (b) restaurants; (c) retailers who sell West Virginia made products among other products; and (d) other stores who open primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. All businesses that are members of the association must agree in writing to be liable and responsible for all sales, service, furnishing, tendering and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private farmer’s market, including indoor and outdoor bounded areas, and further the applicant shall:

- Have one or more members operating a private club restaurant, full kitchen with ovens, four-burner ranges, a refrigerator, or freezer (or combination of the two), and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week;
- Have one or more members operating who maintain a fresh food inventory capable of being prepared for events conducted at the private farmers market in the private club restaurant’s full kitchen. The food inventory may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;
- Have an association that owns or leases, controls, operates, and uses acreage amounting to more than 1 acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee’s floorplan and would be used for large contracted for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;
- Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market’s floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market’s licensed premises.
- Have at least 2 separate and unrelated vendors applying for the license and certifying that all vendors in the association have agreed to the liability, responsibility associated with a private farmers market license;
- Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;
- Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;
- Provide a copy of a written and executed agreement between all the vendors of the association stating, among other things, that each vendor is jointly and severally liable for any violations committed during the event;
- Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members, patrons, and guests ages, whether a member, patron, or guest is intoxicated and to provide for the public health and safety of members, patrons, and guests;
- 100+ members;
- Use an age verification system approved by the commissioner; and
- Meet and be subject to all other private club requirements.

This is a summary, the completed legislation can be found at www.abca.wv.gov