STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 4-21

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 7-20 suspended certain provisions and sections of statute, including the deadline to renew permits from Alcohol Beverage Control Administration (W. Va. Code § 60-4-22 (wholesalers); W. Va. Code § 60-7-6 (private club); and W. Va. Code R. §§ 175-4-3, 4, 175-5-16 (retailers)); and

WHEREAS, Executive Order 23-20 suspended certain provisions and sections of statute, including the deadline to renew licenses and permits from the West Virginia Alcohol Beverage Control Administration for brewers, importers, resident brewers, brewpubs, Class A retail dealers – taverns (W. Va. Code § 11-16-9); and distilleries, mini-distilleries, wineries, farm wineries, multi-capacity licensees, private wine restaurants, private wine bed and breakfasts, private wine spas, and private wine stadiums (W. Va. Code § 60-8-3, § 60-4-14 and § 60-4-15); and

WHEREAS, at this time, it is appropriate that a date by which the renewal of such licenses and permits is required be reinstated; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that:

1. Section 16 of Executive Order 7-20, providing for the suspension of the "Deadline to renew permits from Alcohol Beverage Control Administration (W. Va. Code § 60-4-22 (wholesalers); W. Va. Code § 60-7-6 (private club); and W. Va. Code R. §§ 175-4-3, 4, 175-5-16 (retailers))," is hereby terminated and without further effect; and

2. Section 3 of Executive Order 23-20, providing for the suspension of the following:

> Deadline to renew licenses and permits from the West Virginia Alcohol Beverage Control Administration for brewers, importers, resident brewers, brewpubs, Class A retail dealers – taverns (W. Va. Code § 11-16-9); and distilleries, mini-distilleries, wineries, farm wineries, multi-capacity licensees, private wine restaurants, private wine bed and breakfasts, private wine spas, and private wine stadiums (W. Va. Code § 60-8-3, § 60-4-14 and § 60-4-15); provided, this suspension shall not include the license renewal for Class B retail dealers – beer retailers, wine retailers, wine specialty shops, wine direct shippers, beer distributors, and other licenses and permits not explicitly mentioned above; and provided further that this suspension shall not apply to the 10-year rights to sell liquor at retail, commonly known as the "Rebid 2020," and those rebid payments are due on or before June 30, 2020 (See W. Va. Code §60-3A-1 et seq.). In the event that this State of Emergency is declared to be terminated prior to June 30, 2020, all licenses subject to this Order and Executive Order 7-20, shall be given the greater of 30 days or to June 30, 2020 to file their renewal applications. Finally, nothing in this Order or Executive Order 7-20 prohibits a license holder to renew their license prior to June 30, 2020, if he or she chooses to make such license renewal

   is hereby terminated and without further effect; and

3. The temporarily suspended deadline for renewal of such licenses and permits shall be March 15, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Seventeenth day of February, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE