

**H. B. 2834**

(By Delegate Storch (By Request))  
[Introduced March 6, 2013; referred to the  
Committee on the Judiciary then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §60-6-7 of the Code of West Virginia, 1931, as amended, relating to state control of alcoholic liquors; miscellaneous provisions; and exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.

*Be it enacted by the Legislature of West Virginia:*

That §60-6-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. MISCELLANEOUS PROVISIONS.**

**§60-6-7. Specific acts forbidden; indictment.**

A person ~~shall~~ may not:

(1) Manufacture or sell in this state without a license any alcoholic liquor except as permitted by this article: Provided,

1 That this prohibition does not apply to a valid nonprofit  
2 organization hosting a fundraising event in connection with a  
3 reception, dinner or other function where food or a meal and  
4 alcoholic beverages, including nonintoxicating beer, wine or liquor  
5 are served, without charge to donors who are making a tax  
6 deductible contribution, on premises not licensed by the West  
7 Virginia Alcoholic Beverage Control Authority: *Provided however,*  
8 That for purposes of such an event a valid nonprofit organization  
9 is exempt from any licensing requirements of the West Virginia  
10 Alcoholic Beverage Control Authority;

11 (2) Aid or abet in the manufacture or sale of alcoholic liquor  
12 without a license except as permitted by this article;

13 (3) Sell without a license any alcoholic liquor other than  
14 permitted by this article;

15 (4) Adulterate any alcoholic liquor by the addition of any  
16 drug, methyl alcohol, crude, unrectified or impure form of ethyl  
17 alcohol, or other foreign or deleterious substance or liquid;

18 (5) Refill, with alcoholic liquor, any bottle or other  
19 container in which alcoholic liquor has been sold at retail in this  
20 state;

21 (6) Advertise any alcoholic liquor in this state except in  
22 accordance with the rules and regulations of the commissioner; or

23 (7) Distribute, deal in, process, or use crowns, stamps or  
24 seals required under the authority of this chapter, except in

1 accordance with the rules and regulations prescribed by the  
2 commissioner.

3 A person who violates any provision of this section shall be  
4 guilty of a misdemeanor and, upon conviction shall be fined not  
5 less than \$50 nor more than \$500, or confined in jail not less than  
6 thirty days nor more than one year or both such fine and  
7 imprisonment, for the first offense. Upon conviction of a second  
8 or subsequent offense, the court may in its discretion impose a  
9 penalty of confinement in ~~the penitentiary~~ a correctional facility  
10 for a period not to exceed three years.

11 An indictment for any first violation of subdivisions (1), (2)  
12 and (3) of this section, or any of them, shall be sufficient if in  
13 form or effect as follows:

14 State of West Virginia

15 County of ....., to wit:

16 The Grand Jurors of the State of West Virginia, in and for the  
17 body of the County of ....., upon their oaths present that  
18 ....., on the ..... day of ....., ~~1920~~....., in the  
19 said County of ....., did unlawfully, without a state license  
20 and without authorization under the Alcohol Beverage Control Act,  
21 manufacture and sell, and aid and abet in the manufacture and sale  
22 of a quantity of alcoholic liquor, against the peace and dignity of  
23 the state.

24 Any indictment under this section shall otherwise be in

1 conformity with section one, article nine, chapter sixty-two of the  
2 code.

NOTE: The purpose of this bill is to exempt valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.