

Senate Bill No. 579

(By Senators Trump, Carmichael, Ferns,
D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard,
Miller, Nohe, Palumbo, Snyder, Williams and Woelfel)

[Originating in the Committee on the Judiciary;
reported February 27, 2015.]

A BILL to amend and reenact §29-22B-328 of the Code of West Virginia, 1931, as amended, relating to clarifying restriction of businesses selling petroleum products from creating a restricted adult-only facility.

Be it enacted by the Legislature of West Virginia:

That §29-22B-328 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§29-22B-328. Restricted access adult-only facility defined.

1 "Restricted access adult-only facility" means:

2 (a) (1) A private club licensed under section one, article seven, chapter sixty, *et seq.*, of this
3 code that is licensed under this article by the commission to allow its members and their guests to
4 play video lottery games: *Provided*, That when the private club is frequented by minors and their
5 parents, video lottery terminals shall be located in a separate room suitable for the location of video
6 lottery terminals with adult-only restricted access, the interior of which is not visible to persons
7 outside the room; and

1 (2) A place of business that: (A) Has a "Class A" license issued under section one, article
2 sixteen, chapter eleven, *et seq.*, of this code to sell nonintoxicating beer for consumption on the
3 premises; (B) derives at least forty percent of its annual gross receipts at that location from sales of
4 nonintoxicating beer to consumers and of such sales, at least eighty percent are sales of
5 nonintoxicating beer for consumption on the premises; (C) maintains a suitable kitchen and dining
6 facility and related equipment for serving meals for on-premises consumption; (D) regularly prepares
7 and sells meals for consumption on the premises; (E) has a separate room suitable for the location
8 of video lottery terminals with adult-only restricted access, the interior of which is not visible to
9 persons outside the room; and (F) after meeting any additional standards developed by the
10 commission to implement and apply this subdivision, is licensed under this article by the
11 commission to allow video lottery games to be played in the restricted access adult-only separate
12 room on the premises.

13 (b) Notwithstanding the provisions of subsection (a) of this section, it does not include a
14 place of business that sells petroleum products in conjunction with the sale of other retail products
15 which may include, but are not limited to, tobacco, alcohol or food products; nor may such place of
16 business ~~establish~~ have ownership or financial interest in establishing a separate room or building
17 which is a part of, contiguous to, or adjoining the place of business as a restricted access adult-only
18 facility: Provided, That no limited video lottery location may be within one hundred fifty feet of a
19 place of business that sells petroleum products.