

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2466

2015 Carryover

BY DELEGATES STORCH, ZATEZALO, WELD, FLUHARTY,
TRECOST, FERRO, HOWELL, D. EVANS AND SUMMERS

[Introduced January 13, 2016; referred to the
Committee on the Judiciary then Finance.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. MISCELLANEOUS PROVISIONS.

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

1 A person shall ~~shall~~ may not:

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

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

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

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

15 (5) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has

16 been sold at retail in this state;

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

19 (7) Distribute, deal in, process, or use crowns, stamps or seals required under the
20 authority of this chapter, except in accordance with the rules and regulations prescribed by the
21 commissioner.

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

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

30 State of West Virginia

31 County of, to wit:

32 The Grand Jurors of the State of West Virginia, in and for the body of the County of
33, upon their oaths present that, on the day of, 1920....., in the said
34 County of, did unlawfully, without a state license and without authorization under the
35 Alcohol Beverage Control Act, manufacture and sell, and aid and abet in the manufacture and
36 sale of a quantity of alcoholic liquor, against the peace and dignity of the state.

37 Any indictment under this section shall otherwise be in conformity with section one,
38 article nine, chapter sixty-two of the 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.