

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4571

BY DELEGATES ESPINOSA, GEARHEART, UPSON,

STORCH, SHOTT AND E. NELSON

BY REQUEST OF THE ALCOHOL BEVERAGE

CONTROL ADMINISTRATION

[Introduced February 16, 2016; referred to the
committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §11-16-11b, relating to creating a one-day special license for charitable events
3 to sell nonintoxicating beer.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §11-16-11b, to read as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-11b. Special license for one-day charitable events; application; license subject to provisions of article; exception.

1 The commissioner may issue a special one-day license to be designated a Class S1
2 license for the retail sale of nonintoxicating beer to a duly organized nonprofit corporation, limited
3 liability entity or an association having received federal tax exempt status allowing the sale and
4 selling of nonintoxicating beer when raising money for artistic, athletic, charitable, educational or
5 religious purposes. The special license may be issued for a term no longer than one day. The
6 license application shall contain information the commissioner requires and shall be submitted to
7 the commissioner at least fifteen days prior to the event. Nonintoxicating beer used during the
8 event may be donated by or purchased from a licensed retailer, distributor or resident brewer.
9 Licensed representatives of distributors or resident brewers may attend the one day event and
10 discuss their products but shall not engage in the selling or serving of the nonintoxicating beer.

11 A license issued under the provisions of this section and the licensee holding the license
12 are subject to all other provisions of this article and the rules and orders of the commissioner
13 relating to the special license: *Provided*, That the commissioner may by rule or order allow waivers
14 or exceptions with respect to those provisions, rules or orders as the circumstances of each event
15 requires, including, without limitation, the right to revoke or suspend any license issued pursuant
16 to this section prior to any notice or hearing notwithstanding the provisions of section twenty-four
17 of this article: *Provided, however*, That under no circumstances may the provisions of subdivision

- 18 (1), (2) or (3), subsection (a), section eighteen of this article be waived or an exception granted
19 with respect thereto.

NOTE: The purpose of this bill is to create a new, one-day special license for charitable organizations to sell nonintoxicating beer similar to a wine provision in W. Va. Code §60-8-3.

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