

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 288**

BY SENATORS TRUMP, BLAIR, TAKUBO, WALTERS,  
ROMANO AND PALUMBO

[Originating in the Committee on the Judiciary;  
reported on January 27, 2016]



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; setting fee for license; and authorizing commissioner to waive  
4 certain restrictions by rule or order.

*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; license fee and application;  
license subject to provisions of article; exceptions.**

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 A license issued under the provisions of this section and the licensee holding the license  
10 is subject to all other provisions of this article and the rules and orders of the commissioner relating  
11 to the special license: *Provided*, That the commissioner may, by rule or order, allow waivers or  
12 exceptions with respect to those provisions, rules or orders as the circumstances of each event  
13 requires, including, without limitation, the right to revoke or suspend any license issued pursuant  
14 to this section prior to any notice or hearing notwithstanding the provisions of section twenty-four  
15 of this article: *Provided, however*, That under no circumstances may the provisions of subdivision  
16 (1), (2) or (3), subsection (a), section eighteen of this article be waived or an exception granted  
17 with respect thereto.