

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 110

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported on January 17, 2018]

1 A BILL to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating
2 generally to private club licensees; continuing Alcohol Beverage Control Enforcement
3 Fund; requiring a private club licensee to timely notify emergency medical services or law
4 enforcement of a life-threatening medical emergency occurring on the licensee's
5 premises; authorizing sanctions against licensees' failing to notify such personnel as
6 required; requiring a licensee to notify the Alcohol Beverage Control Administration within
7 48 hours of the occurrence of a life-threatening emergency; permitting the commissioner
8 to sanction a licensee for failing to comply with the 48-hour notification requirement;
9 providing examples of life-threatening medical emergencies; authorizing the promulgation
10 of emergency rules; and requiring promulgation of proposed legislative rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

1 (a) Upon a determination by the commissioner that a licensee has: (i) Violated the
2 provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would
3 have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the
4 commissioner, the commissioner may impose any one or a combination of the following
5 sanctions:

- 6 (1) Revoke the licensee's license;
- 7 (2) Suspend the licensee's license;
- 8 (3) Place the licensee on probationary status for a period not to exceed 12 months; and
- 9 (4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation
10 is not imposed.

11 (b) Any monetary penalty assessed and collected by the commissioner shall be
12 transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special

13 revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby
14 ~~created~~ continued. All moneys collected, received, and deposited in the Alcohol Beverage Control
15 Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the
16 purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, and shall not be
17 treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At
18 the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess
19 of \$20,000 shall be transferred to the General Revenue Fund.

20 (c) In addition to the grounds for revocation, suspension, or other sanction of a license set
21 forth in subsection (a) of this section, conviction of the licensee of any offense constituting a
22 violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating
23 beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the
24 licensee of any violation of the laws of this state or of the United States relating to prostitution, or
25 the sale, possession, or distribution of narcotics or controlled substances, shall be mandatory
26 grounds for revocation of the licensee's license for a period of at least one year.

27 (d) A licensee shall notify, in a timely manner, emergency medical services or law
28 enforcement if a life-threatening medical emergency occurs on the licensed premises. In addition
29 to the grounds for revocation, suspension, or other sanction of a license set forth in this section,
30 the commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee
31 for failing to comply with the provisions of this subsection.

32 (e) If a life-threatening medical emergency occurs on a licensee's private premises
33 requiring notification of emergency medical services or law enforcement under subsection (d) of
34 this section, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours
35 of the emergency's occurrence. The commissioner may, in his or her discretion, revoke, suspend,
36 or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

37 (f) As used in this section, a life-threatening medical emergency includes, but is not limited
38 to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled

39 bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which
40 indicates significant head or spinal injury, and life-threatening physical injury caused by a crime
41 of violence against the person occupying or emanating from the licensed premises.

42 (g) The commissioner may promulgate emergency rules and shall propose legislative
43 rules for promulgation pursuant to §29A-3A-1 et seq. of this code to effectuate the amendments
44 made to this section during the 2018 regular session of the Legislature.