

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2481**

BY DELEGATES STEELE, FOSTER, KESSINGER, PUSHKIN,

BARRETT AND PYLES

[Passed February 19, 2019; in effect from passage.]



1 AN ACT to amend and reenact §60-3A-18 and §60-3A-25 of the Code of West Virginia, 1931, as  
2 amended, all relating to allowing retail liquor licensees to sell liquor on Sundays, other  
3 than Easter Sunday and those Sundays on which Christmas falls, beginning no earlier  
4 than 1 p.m.; and removing the criminal offense of selling liquor on Sundays.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.**

**§60-3A-18. Days and hours retail licensees may sell liquor.**

1 Retail licensees may not sell liquor on Easter Sunday, Christmas day, or before 1 p.m. on  
2 other Sundays, except a Sunday on which Christmas falls, or between the hours of 12:00 a.m.  
3 and 8:00 a.m., except that wine and fortified wines may be sold on those days and at such times  
4 as authorized in §60-8-34 of this code.

**§60-3A-25. Certain acts of retail licensees prohibited; criminal penalties.**

1 (a) It is unlawful for any retail licensee, or agent or employee thereof, on such retail  
2 licensee's premises to:

3 (1) Sell or offer for sale any liquor other than from the original package or container;

4 (2) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to  
5 any person under 21 years of age;

6 (3) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to  
7 any person visibly intoxicated;

8 (4) Sell or offer for sale any liquor other than during the hours permitted for the sale of  
9 liquor by retail licensees as provided under this article;

10 (5) Permit the consumption by any person of any liquor;

11 (6) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand  
12 name of any liquor;

13 (7) Permit any person under 18 years of age to sell, furnish, or give liquor to any other  
14 person;

15           (8) Purchase or otherwise obtain liquor in any manner or from any source other than that  
16 specifically authorized in this article; or

17           (9) Permit any person to break the seal on any package or bottle of liquor.

18           (b) Any person who violates any provision of this article, except section 24 of this article,  
19 including, but not limited to, any provision of this section, or any rule promulgated by the board or  
20 the commissioner, or who makes any false statement concerning any material fact, or who omits  
21 any material fact with intent to deceive, in submitting an application for a retail license or for a  
22 renewal of a retail license or in any hearing concerning the suspension or revocation thereof, or  
23 who commits any of the acts declared in this article to be unlawful, is guilty of a misdemeanor  
24 and, shall, upon conviction thereof, for each offense be fined not less than \$100 or more than  
25 \$5,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or both  
26 fined and imprisoned. Magistrates have concurrent jurisdiction with the circuit courts for offenses  
27 under this article.

28           (c) Nothing in this article, or any rule of the board or commissioner, prevents or prohibits  
29 any retail licensee from employing any person who is at least 18 years of age to serve in any retail  
30 licensee's lawful employment at any retail outlet operated by such retail licensee, or from having  
31 such person sell or deliver liquor under the provisions of this article. With the prior approval of the  
32 commissioner, a retail licensee may employ persons at any retail outlet operated by such retail  
33 licensee who are less than 18 years of age but at least 16 years of age, but such persons' duties  
34 shall not include the sale or delivery of liquor: *Provided*, That the authorization to employ such  
35 persons under the age of 18 years shall be clearly indicated on the retail license issued to any  
36 such retail licensee.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2019.

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*Governor*