

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 3098

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[Originating in the Committee on Government
Organization; February 17, 2020.]

1 A BILL to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple
3 licenses manufacturing alcoholic liquors and nonintoxicating beer; and requiring full
4 payment of all fees.

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

**§11-16-6. License in one capacity only; no connection between different licensees; when
brewer may act as distributor; credit and rebates proscribed; brewer, resident
brewer and brewpub requirements.**

1 (a) No person shall be licensed in more than one capacity under the terms of this article,
2 and there shall be no connection whatsoever between any retailer, distributor, resident brewer or
3 brewer, and no person shall be interested, directly or indirectly, through the ownership of
4 corporate stock, membership in a partnership, or in any other way in the business of a retailer, if
5 such person is at the same time interested in the business of a brewer, resident brewer or
6 distributor. A resident brewer may act as distributor in a limited capacity for his or her own product
7 from such resident brewery, place of manufacture or bottling, but a resident brewer is not
8 permitted to act as a distributor as defined in section three of this article: *Provided*, That nothing
9 in this article may prevent a resident brewer from using the services of licensed distributors as
10 specified in this article. A resident brewer or distributor may sell to a patron for personal use and
11 not for resale quantities of draught beer in original containers that are no larger in size than one-
12 half barrel for off-premises consumption. A resident brewer who also has a brewpub license may
13 sell nonintoxicating beer or nonintoxicating craft beer produced by the resident brewer in cans,
14 bottles or sealed growlers, pursuant to section six-b of this article, for personal consumption off
15 of the brewpub's licensed premises and not for resale.

16 (b) It is unlawful for any brewer, resident brewer, manufacturer or distributor to assist any
17 retailer or for any retailer to accept assistance from any brewer, manufacturer or distributor,
18 accept any gifts, loans, forbearance of money or property of any kind, nature or description, or
19 other thing of value, or give any rebates or discounts of any kind whatsoever, except as may be
20 permitted by rule, regulation or order promulgated by the commissioner in accordance with this
21 article.

22 (c) Notwithstanding subsections (a) and (b) of this section, a brewpub may offer for retail
23 sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating
24 beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except as
25 provided in section six-b of this article.

26 (d) A brewer, brewpub, or resident brewer licensed under this section may also be
27 licensed under §60-4-1 et sec. of this code: *Provided*, That the holder of such license meets all
28 the requirements for the additional licenses and pays all fees related to the license: *Provided*,
29 *however*, That the licensee maintains all the rights and privileges associated with the license.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 4. LICENSES.

§60-4-2. Licenses for manufacture.

1 (a) The commission may grant licenses for the manufacture of alcoholic liquors. Separate
2 licenses shall be issued to the following classes of manufacturing establishments:

3 (1) Distilleries in which only alcoholic liquors other than wine or beer is manufactured;

4 (2) Wineries in which only wines are manufactured;

5 (3) Breweries in which beer is manufactured;

6 (4) Bottling plants in which beer only is bottled;

7 (5) Industrial plants in which alcohol is distilled, manufactured or otherwise produced for
8 scientific, chemical, mechanical or industrial purposes;

9 (6) Farm wineries in which only wines are manufactured; and

10 (7) Mini-distilleries in which only alcoholic liquors other than wine, beer or nonintoxicating
11 beer are manufactured.

12 (b) The commission may grant multiple licenses for the manufacture of alcoholic liquors
13 or non-intoxicating beer: *Provided*, That such licensure does not violate other provisions of this
14 Code, the licensee meets all requirements of the license, and licensee submits the full payment
15 of all fees required for licensure: *Provided, however*, That the licensee maintains all the rights and
16 privileges associated with each license.

NOTE: The purpose of this bill is to allow a manufacturer of nonintoxicating beer or liquor to hold multiple licenses as a manufacturer.

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