

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4727

BY DELEGATES HOWELL, HOTT, C. MARTIN AND HANNA

(BY REQUEST)

[Introduced February 06, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §60-3-26, relating to permitting mini-distilleries to import produce in excess of
 3 established limits if they are unable to obtain 75 percent of the raw agricultural products
 4 necessary to produce its alcoholic liquor.

Be it enacted by the Legislature of West Virginia:

§60-3-26. Permit for mini-distilleries to import produce in excess of established limits.

1 Upon application by the holder of a mini-distillery license, filed with the West Virginia
 2 Alcohol Beverage Control Commissioner, showing, due to unusual climatic or other conditions
 3 adversely affecting its ability to obtain from within this state 75 percent of the raw agricultural
 4 products necessary to produce its alcoholic liquor, the commissioner may issue to the applicant
 5 a permit to import such products in an amount deemed necessary by the commissioner to allow
 6 such mini-distillery to produce liquor within the quota established by §60-1-5b of this code. The
 7 permit issued under this section shall not be effective for more than 90 days. The burden of proof
 8 shall be upon the applicant to show that the agricultural product normally used by the licensee
 9 are not available from any other source within the State of West Virginia, and no application for a
 10 permit under this section shall be considered by the commissioner unless it is accompanied by
 11 written findings by the West Virginia Agriculture Commissioner in support thereof.

NOTE: The purpose of this bill is to create a new section that allows mini-distilleries to import raw agricultural products if they are unable to obtain the necessary products within the state.

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