

1 **H. B. 3145**

2
3 (By Delegates Miley, Manchin, Ferro, Wells
4 and Skinner)

5 [Introduced March 25, 2013; referred to the
6 Committee on the Judiciary then Finance.]
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10 A BILL to amend and reenact §11-16-9 of the Code of West Virginia,
11 1931, as amended, relating to sales of nonintoxicating beer;
12 and removing the existing maximum quantities of beer that
13 retailers can sell for off premises consumption.

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

15 That §11-16-9 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 16. NONINTOXICATING BEER.**

18 **§11-16-9. Amount of license tax; Class A and Class B retail**
19 **dealers; purchase and sale of nonintoxicating beer**
20 **permitted; distributors; brewers; brewpubs.**

21 There is ~~hereby~~ levied and imposed an annual license tax upon
22 all dealers in and of nonintoxicating beer as defined by this
23 article, which license period ~~shall begin~~ begins on July 1, of each
24 year and ~~end~~ ends on June 30 of the following year, and, if granted

1 for a less period, ~~the same~~ it shall be computed semiannually in
2 proportion to the remainder of the fiscal year as follows:

3 (1) Retail dealers shall be divided into two classes, Class A
4 and Class B. In the case of a Class A retail dealer the license
5 fee ~~shall be~~ is \$150 for each place of business; the license fee
6 for social, fraternal or private clubs not operating for profit,
7 and having been in continuous operation for two years or more
8 immediately preceding the date of application, ~~shall be~~ is \$150:
9 *Provided*, That railroads operating in this state may dispense
10 nonintoxicating beer upon payment of an annual license tax of \$10
11 for each dining, club or buffet car in which the ~~same~~ beer is
12 dispensed.

13 Class A licenses issued for railroad dining, club or buffet
14 cars ~~as herein provided, shall~~ authorize the licensee to sell
15 nonintoxicating beer at retail for consumption only on the licensed
16 premises where sold. All other Class A licenses ~~shall~~ authorize
17 the licensee to sell nonintoxicating beer at retail for consumption
18 on or off the licensed premises.

19 In the case of a Class B retailer, the fee for a Class B
20 license authorizing the sale of both chilled and unchilled beer
21 ~~shall be~~ is \$150 for each place of business. A Class B license
22 ~~shall authorize~~ authorizes the licensee to sell nonintoxicating
23 beer at retail in bottles, cans or other sealed containers only,
24 and only for consumption off the licensed premises. ~~Sales under~~

1 ~~this license to any person at any one time must be in less~~
2 ~~quantities than five gallons: *Provided, That* a Class B retailer~~
3 ~~may sell to a consumer, for personal use and not for resale,~~
4 ~~draught beer in quantities of one-eighth, one-fourth and one-half~~
5 ~~barrels in the original containers. Such This license may be~~
6 issued only to the proprietor or owner of a grocery store. For the
7 purpose of this article the term "grocery store" means and includes
8 any retail establishment commonly known as a grocery store or
9 delicatessen and caterer or party supply store, where food or food
10 products are sold for consumption off the premises, and ~~shall~~
11 ~~include and mean~~ means a separate and segregated portion of any
12 other retail store which is dedicated solely to the sale of food,
13 food products and supplies for the table for consumption off the
14 premises. The commissioner may ~~promulgate~~ propose for legislative
15 approval legislative rules pursuant to chapter twenty-nine-a of
16 this code necessary to carry this provision into effect. Caterers
17 or party supply stores ~~will be~~ are required to purchase the
18 appropriate licenses from the alcohol beverage control
19 administration.

20 (2) In the case of distributors, the license fee ~~shall be~~ is
21 \$1,000 for each place of business.

22 (3) In the case of a brewer with its principal place of
23 business located in this state, the license fee ~~shall be~~ is \$1,500
24 for each place of manufacture.

1 (4) In the case of a brewpub, the license fee ~~shall be~~ is
2 \$1,000 for each place of manufacture.

NOTE: The purpose of this bill is to remove the existing maximum quantities of beer that retailers can sell for off premises consumption.

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