

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4560

BY DELEGATES HANSEN, HIGGINBOTHAM, SKAFF, STEELE,

FLEISCHAUER, WALKER, PYLES, WILLIAMS, BARRETT,

CANESTRARO AND PUSHKIN

[Originating in the Committee on the Judiciary;

February 21, 2020.]

1 A BILL to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating
2 to permitting licensed wine specialty shops to sell wine with a gift basket by telephonic,
3 electronic, or web-based wine ordering.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. SALES OF WINES.

§60-8-6b. Deliveries by licensed wine specialty shop.

1 (a) A wine specialty shop with a current active license and in good standing with the
2 commissioner may apply for the additional license privilege of delivering wine with a gift basket,
3 to the purchaser or other person designated by the purchaser, as provided in this section.

4 (b) The wine specialty shop:

5 (1) May only deliver in the county where the wine specialty shop is located with all sales
6 and municipal taxes accounted for and paid, as long as such county is not a dry county or such
7 county does not contain dry local option areas. The delivery of wine is not permitted in a dry
8 county or the dry local option areas;

9 (2) Shall ensure that all wine delivered is sealed in the original container and is clearly and
10 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR
11 OLDER REQUIRED FOR DELIVERY";

12 (3) Shall provide proof or records to the commissioner by filing monthly returns to the
13 commissioner, on a form as prescribed by the commissioner, and the Tax Commissioner of all
14 deliveries of wine which were purchased by and delivered to a person at least 21 years of age in
15 the wine specialty shop's county of operation;

16 (4) Shall only deliver wine with a gift basket to addresses within the State of West Virginia
17 and within the requirements noted in this subsection;

18 (5) Shall not deliver in excess of two cases of wine with a gift basket per month to any
19 person or address;

20 (6) Shall not deliver wine to any private club, private wine restaurant, wine retailer, private
21 wine bed and breakfast, or private wine spa; and

22 (7) May only deliver wine with a gift basket for personal use and not for resale to a person.
23 The wine shall not be delivered and left at any address without verifying a person's identification
24 as required in this section.

25 (c) The nonprorated, nonrefundable fee for the additional wine specialty shop delivery
26 license privilege is \$250.

27 (d) The wine delivered by the authority of this section ~~must be purchased in person with a~~
28 ~~face-to-face transaction at the shop; may not be ordered or purchased by telephonic, electronic,~~
29 ~~or web-based wine ordering; and~~ must be delivered by an officer or employee of the wine specialty
30 shop licensee who is 21 years of age or older. Nonlicensed third parties may not deliver wine with
31 a gift basket on behalf of a licensed wine specialty shop.

32 (e) Any vehicle delivering wine in a gift basket shall meet the permit requirements set forth
33 in this chapter.

34 (f) The commissioner may propose rules for promulgation in accordance with §29A-3-1 *et*
35 *seq.* of this code to effectuate the purposes of this section.

NOTE: The purpose of this bill is to remove the requirement that wine be purchased with a face-to-face transaction.

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