WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED



Committee Substitute

for

House Bill 3098

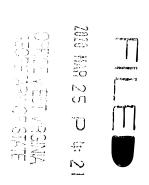
By Delegates Williams, Lavender-Bowe, C. Thompson,
ESTEP-BURTON, COOPER, CAMPBELL, FLUHARTY,
PUSHKIN AND PYLES
[Passed March 7, 2020; in effect ninety days from

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AN ACT to amend and reenact §11-16-6 of the Code of West Virginia,1931, as amended; and to amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple licenses for manufacturing alcoholic liquors and nonintoxicating beer; establishing requirements for licenses; and requiring full 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.

(a) A person shall not be licensed in more than one capacity under the terms of this article, and there shall be no connection whatsoever between any retailer, distributor, resident brewer, or brewer, and a person shall be interested, directly or indirectly, through the ownership of corporate stock, membership in a partnership, or in any other way in the business of a retailer, if the person is at the same time interested in the business of a brewer, resident brewer or distributor. A resident brewer may act as distributor in a limited capacity for his or her own product from the resident brewery or place of manufacture or bottling, but a resident brewer, is not permitted to act as a distributor as defined in §11-16-3 of this code: *Provided*, That nothing in this article may prevent a resident brewer from using the services of licensed distributors as specified in this article. A resident brewer or distributor may sell to a patron for personal use and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption. A resident brewer who also has a brewpub license may sell nonintoxicating beer or nonintoxicating craft beer produced by the resident brewer in cans, bottles, or sealed growlers, pursuant to §11-16-6b of this code, for personal consumption off of the brewpub's licensed premises and not for resale.

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- (b) It is unlawful for any brewer, resident brewer, manufacturer, or distributor to assist any retailer or for any retailer to accept assistance from any brewer, manufacturer, or distributor, accept any gifts, loans, forebearance of money or property of any kind, nature, or description, or other thing of value, or give any rebates or discounts of any kind whatsoever, except as permitted by rule, or order promulgated by the commissioner in accordance with this article.
- (c) Notwithstanding subsections (a) and (b) of this section, a brewpub may offer for retail sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except as provided in §11-16-6b of this code.
- (d) A brewer or resident brewer licensed under this section may also be licensed under §60-4-1 *et seq.* of this code: *Provided*, That the holder of the license meets all the requirements for the additional licenses required by the commissioner and pays all fees related to the license: *Provided, 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.

- (a) The commission may grant licenses for the manufacture of alcoholic liquors. Separate
 licenses shall be issued to the following classes of manufacturing establishments:
 - (1) Distilleries in which only alcoholic liquors other than wine or beer is manufactured:
- 4 (2) Wineries in which only wines are manufactured;
 - (3) Breweries in which beer is manufactured;
 - (4) Bottling plants in which beer only is bottled;
- 7 (5) Industrial plants in which alcohol is distilled, manufactured or otherwise produced for scientific, chemical, mechanical or industrial purposes;

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(6)	Farm	wine	eries	in	which	only	wines	are	manufactured; and	d
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- (7) Mini-distilleries in which only alcoholic liquors other than wine, beer or nonintoxicating beer are manufactured.
- (b) The commission may grant multiple licenses for the manufacture of alcoholic liquors or nonintoxicating beer to the same person or entity: *Provided,* That such licensure does not violate other provisions of this code, the licensee meets all requirements for the license established by the commissioner, and licensee submits the full payment of all fees required for licensure: *Provided, however,* That the licensee maintains all the rights and privileges associated with each license not violative of state or federal law.

The Joint Committee on Enrolled Bills hereby certific correctly envolled.	fies that the foregoing	bill is
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Chairman, House Committee		
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Chairman, Senate Committee	취심	The second secon
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Clerk of the Senate	/	
Speaker of the House of Deleg	J	
Speaker of the House of Deleg	h Luna	
President	of the Senate	
The within 10 approved this the	, 25th	
day of March		2020.

PRESENTED TO THE GOVERNOR

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