

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2659

By Delegates W. Clark, D. Smith, Riley, Kyle, Hall,

Willis, and Lucas

[Originating in the Subcommittee on Agriculture,

Commerce, and Tourism:

Reported on March 3, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §60-7-8h, relating to adding a special permit for a non-profit entity to be a
3 qualified permit holder in a private outdoor designated area.

Be it enacted by the Legislature of West Virginia:

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-8h. Special permit for a qualified non-profit permit holder in a private outdoor designated area; license fee and application; license subject to provisions of article.

1 (a) There is hereby created a special permit, designated Class S4N, for the sale of liquor,
2 wine, nonintoxicating beer, and nonintoxicating craft beer in a private outdoor designated area that
3 has been approved by a municipality pursuant to §8-12-26 of this code by qualified non-profit
4 corporate entities organized pursuant to §31E-1-1 et seq. of this code. Each Class S4N permittee
5 may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as
6 provided in this section.

7 (b) Definitions:

8 Except as otherwise set forth herein, the definitions of §60-7-8g of this code shall also
9 apply to this section.

10 "Qualified non-profit permit holder" means a non-profit corporate entity organized pursuant
11 to §31E-1-1 et seq. of this code that elects to operate its events solely within a private outdoor
12 designated area, and who has applied and been approved for a Class S4N special permit
13 pursuant to §60-7-1 et seq. of this code.

14 (c) To be eligible for the special S4N permit authorized by subsection (a) of this section, the
15 qualified non-profit permit holder shall:

(1) Have an approved outdoor location that operates solely in a private outdoor designated area(s) created by municipal ordinances as set forth in §8-12-26 of this code, and provide the commissioner a copy of the certified ordinances from the municipality, and operate only on dates designated within the dates of operation for the private outdoor designated area;

(2) Apply to the commissioner for the special S4N permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner which will provide verification of non-profit corporate status with the West Virginia Secretary of State;

(3) Pay a one-time, nonrefundable non-prorated annual special permit fee of \$1,500 to the commissioner: *Provided*, That in the first year after passage this special permit fee may be pro-rated for the period between effective date and June 30 of that year. The one-time permit covers as many approved events that can be held during the permit annual time period, except for during the first year which may be pro-rated from date of passage;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Provide the dates, days and hours of operation of all events to be held in the private outdoor designated area between July 1 of the application year and June 30 of the year following the application year within the dates of operation of the private outdoor designated area within that timeframe: *Provided*, That the S4N permit applicant may list future dates within the permit annual time period as to be determined so long as the qualified non-profit permit holder notifies the commissioner of the specific future event dates not later than 60 days prior to the event.

(d) The commissioner shall enforce any violations of §11-16-1 *et seq.* and §60-1-1 *et seq.* of this code committed by qualified non-profit permit holders against their permit and their Class A, Class B, Class S, Class S1, Class S2 or Class S3 license.

NOTE: The purpose of this bill is to add a special permit for a non-profit qualified permit holder in a private outdoor designated area.

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