

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2843

By Delegate Young

[Introduced February 24, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended, and to
2 amend said code by adding thereto a new article, designated §60-11-1, relating to the sale
3 of vintage distilled spirits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5. Definitions.

1 For the purposes of this chapter:

2 ~~(1)~~ "Alcohol" means ethyl alcohol whatever its origin and shall include synthetic ethyl
3 alcohol but not denatured alcohol.

4 ~~(2)~~ "Alcoholic liquor" includes alcohol, beer, wine, and spirits, and any liquid or solid
5 capable of being used as a beverage, but ~~shall~~ may not include nonintoxicating beer.

6 ~~(3)~~ "An agency" means a drugstore, grocery store, or general store designated by the
7 commission as a retail distributor of alcoholic liquor for the West Virginia Alcohol Beverage Control
8 Commission.

9 ~~(4)~~ "Beer" means any beverage obtained by the fermentation of barley, malt, hops, or any
10 other similar product or substitute, and containing more alcohol than that of nonintoxicating beer.

11 ~~(5)~~ "Brewery" means an establishment where beer is manufactured or in any way
12 prepared.

13 ~~(6)~~ "Commissioner" or "commission" means the West Virginia Alcohol Beverage Control
14 Commissioner.

15 ~~(7)~~ "Department" means the organization through which the commission exercises powers
16 imposed upon it by this chapter.

17 ~~(8)~~ "Distillery" means an establishment where alcoholic liquor other than wine or beer is
18 manufactured or in any way prepared.

19 ~~(9)~~ "Intoxicated" means a person's faculties are impaired by alcohol or other substance to
20 the point where physical or mental control or both are markedly diminished.

(10) "Manager" means an individual who is the applicant's or licensee's on-premises employee, member, partner, shareholder, director, or officer who meets the licensure requirements of §11-16-1 *et seq.* of this code and rules promulgated thereunder who actively manages, conducts, and carries on the day-to-day operations of the applicant or licensee with full and apparent authority or actual authority to act on behalf of the applicant or licensee. ~~Such~~ The duties include but are not limited to: coordinating staffing; reviewing and approving payroll; ordering and paying for inventory, such as nonintoxicating beer, wine, and liquor, as applicable; and managing security staff, security systems, video and other security equipment; and any further acts or actions involved in managing the affairs of the business, on behalf of owners, partners, members, shareholders, officers, or directors.

(11) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.

(12) "Manufacturer" means any person engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker, and a brewer.

(13) "Nonintoxicating beer" means any beverage obtained by the fermentation of barley, malt, hops, or similar products or substitute, and containing not more alcohol than that specified by §11-16-2 of this code.

(14) "Original package" means any closed or sealed container or receptacle used for holding alcoholic liquor.

(15) "Person" means an individual, firm, partnership, limited partnership, corporation, or voluntary association.

(16) "Powdered alcohol" means an alcohol manufactured in a powder or crystalline form for either direct use or reconstitution as an alcoholic liquor or food. For purposes of this chapter, powdered alcohol excludes any material intended for industrial purposes.

(17) "Public place" means any place, building, or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies, and

corridors of hotels and any highway, street, lane, park, or place of public resort or amusement: *Provided*, That the term "public place" shall may not mean or include any of the above-named places or any portion or portions thereof which qualify and are licensed under the provisions of this chapter to sell alcoholic liquors for consumption on the premises: *Provided, however*, That the term "public place" shall may not mean or include any legally demarcated area designated solely for the consumption of beverages and freshly prepared food that directly connects and adjoins any portion or portions of a premise that qualifies and is licensed under the provisions of this chapter to sell alcoholic liquors for consumption thereupon: *Provided further*, That the term "public place" shall may not include a facility constructed primarily for the use of a Division I, II, or III college or university that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium which holds a special license to sell wine pursuant to the provisions of §60-8-3 of this code, in the designated areas of sale and consumption of wine and other restrictions established by that section and the terms of the special license issued thereunder.

(18) "Sale" means any transfer, exchange, or barter in any manner or by any means, for a consideration, and shall include all sales made by a principal, proprietor, agent, or employee.

(19) "Selling" includes solicitation or receipt of orders; possession for sale; and possession with intent to sell.

(20) "Spirits" means any alcoholic beverage obtained by distillation and mixed with potable water and other substances in solution and includes brandy, rum, whiskey, cordials, and gin.

(21) "State liquor store" means a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

"Vintage distilled spirit" means a package or packages of distilled spirits that:

(A) Are in their original manufacturer's unopened container;

(B) Are not owned by a distillery; and

73 (C) Are not otherwise available for purchase from a licensed wholesaler within the State of
74 West Virginia;

75 ~~(22)~~ "Wine" means any alcoholic beverage obtained by the fermentation of the natural
76 content of fruits, or other agricultural products, containing sugar.

77 ~~(23)~~ "Winery" means an establishment where wine is manufactured or in any way
78 prepared.

ARTICLE 11. SALE AND DISTRIBUTION OF VINTAGE SPIRITS.

§60-11-1. Sale and distribution of vintage spirits.

1 (a) A person holding a license to sell distilled spirits may sell vintage distilled spirits
2 purchased from a non-licensed person upon written notice to the Alcohol Beverage Control
3 Commission in accordance with administrative regulations promulgated by the Alcohol Beverage
4 Control Commission.

5 (b) Vintage distilled spirits may be resold only:

6 (1) By the drink by a person holding a license to sell distilled spirits by the drink; and

7 (2) By the package by a person holding a license to sell distilled spirits by the package.

8 (c) A distiller may sell to consumers at fairs, festivals, and other similar types of events
9 alcoholic beverages by the drink, containing spirits distilled or bottled on the premises of the
10 distillery.

NOTE: The purpose of this bill is to permit the sale of vintage distilled spirits by the drink.

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