

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 693

By Senator Rucker

[Introduced March 4, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §11-16-20 of the Code of West Virginia, 1931, as amended, relating
 2 to modifying the notification of brewery or dock price of nonintoxicating beer, ale, or other
 3 malt beverage or malt cooler; and eliminating the 90-day notification and price schedule
 4 required by the commissioner.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-20. Unlawful acts of brewers or manufacturers; criminal penalties.

1 (a) It is unlawful:

2 (1) For any brewer or manufacturer, or any other person, firm or corporation engaging in
 3 the business of selling nonintoxicating beer, ale or other malt beverage or cooler to a distributor or
 4 wholesaler, to discriminate in price, allowance, rebate, refund, commission, discount or service
 5 between distributors or wholesalers licensed in West Virginia. "Discriminate," as used in this
 6 section, shall mean granting of more favorable prices, allowances, rebates, refunds, commissions,
 7 discounts or services to one West Virginia distributor or wholesaler than to another.

8 (2) For any brewer or manufacturer, or any other person, firm or corporation engaged in the
 9 business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to a distributor or
 10 wholesaler, to sell or deliver nonintoxicating beer, ale or other malt beverage or malt cooler to any
 11 licensed distributor or wholesaler unless and until such brewer, manufacturer, person, firm or
 12 corporation, as the case may be, shall have ~~filed~~ submitted the brewery or dock price
 13 of ~~such~~ the beer, ale or other malt beverage or malt cooler, by brands and container sizes, ~~with the~~
 14 ~~commissioner. The pricing submitted to the commissioner shall also be submitted~~
 15 ~~contemporaneously~~ to the licensed distributor or wholesaler. ~~No price schedule shall be put into~~
 16 ~~effect until ninety days after receipt of same the by the commissioner and shall be submitted on or~~
 17 ~~before the following quarterly dates of January 1, April 1, July 1 and October 1 of the calendar year~~
 18 ~~to be effective: Provided, That any price shall remain in effect not less than ninety days.~~

19 (3) For any brewer or manufacturer, resident brewer or any other person, firm or
20 corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or
21 malt cooler to a distributor or wholesaler to sell, offer for sale or transport to West Virginia any
22 nonintoxicating beer, ale or other malt beverage or malt cooler unless it has first registered its
23 labels and assigned to the appropriate distributor per an equitable franchise agreement, all as
24 approved by the commissioner.

25 (4) For any brewer or manufacturer, or any other person, firm or corporation engaged in the
26 business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to provide,
27 furnish, transport or sell its nonintoxicating beer products, brands and line extensions to any
28 person or distributor other than the appointed distributor per the franchise agreement and
29 established in the franchise distributor network in the territory assigned to that appointed
30 distributor.

31 (5) For any brewer or manufacturer, or any other person, firm or corporation engaged in the
32 business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to provide,
33 furnish, transport or sell its nonintoxicating beer products, brands and line extensions that have
34 been denied by the commissioner.

35 (6) For any resident brewer that chooses to utilize a franchise agreement and a franchise
36 distributor network, either in addition to or in conjunction with its limited quantity of nonintoxicating
37 beer for self-distribution, to violate this section and the resident brewer is subject to the sanctions
38 in subsections (b) and (c) of this section.

39 (b) The violation of any provision of this section by any brewer or manufacturer shall
40 constitute grounds for the forfeiture of the bond furnished by such brewer or manufacturer in
41 accordance with §11-16-12 of this code.

42 (c) The violation of this section by any brewer or manufacturer is grounds for sanctions as
43 determined by the commissioner in accordance with §11-16-23 and §11-16-24 of this code and
44 the rules promulgated by the commissioner.

45 (d) Any resident brewer that chooses to utilize a franchise agreement and a franchise
46 distributor network, either in addition to or in conjunction with its limited quantity of nonintoxicating
47 beer for self-distribution, shall be treated as a brewer under this article and the applicable
48 promulgated rules.

NOTE: The purpose of this bill is to modify the notification of brewery or dock price of nonintoxicating beer, ale or other malt beverage or malt cooler; and eliminate the 90 day notification and price schedule required by the commissioner.

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