WEST virginia legislature

2025 regular session

Introduced

Senate Bill 875

By Senator Garcia

[Introduced March 21, 2025; referred
 to the Committee on the Judiciary]

A BILL to amend and reenact §11-16-17 of the Code of West Virginia, 1931, as amended, relating to container labeling of nonintoxicating beer and nonintoxicating craft beer; permitting certain brewers, brewpubs, manufacturers, and resident brewers to make private labels for existing beer brands available for purchase; providing for label requirements; and providing for pricing and purchasing restrictions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-17. Container labeling.

(a) It ~~shall be~~ is unlawful for any brewer, brewpub, manufacturer, distributor or retailer to have affixed upon any beer, ale or other malt beverage or malt cooler container, sold or for sale in this state, a label bearing any design, picture or wording, indicating that the contents of the container are brewed or manufactured for one particular distributor or retailer or group of retailers, or use any trademark other than that of a licensed brewer or manufacturer.

(b) Notwithstanding the provisions of subsection (a) of this section, any brewer, brewpub, manufacturer, or resident brewer that has not appointed a distributor for an existing nonintoxicating beer or nonintoxicating craft beer brand within a franchise territory may, within that territory, make available for purchase a special, private label for nonintoxicating beer or nonintoxicating craft beer brand, which label may not contain any statement or display that may encourage intemperance or advertising presentations designed to appeal to persons below the legal drinking age. A private label for a nonintoxicating beer or nonintoxicating craft beer brand made available for purchase under this subsection shall:

(1) Be made available exclusively for a limited purchase by one licensee or individual that purchases the entire production of the private label;

(2) Be purchased at the regular, posted price for the subject nonintoxicating beer or nonintoxicating craft beer brand, with no reduced price or discount to be offered to the purchasing licensee or individual; and

(3) May not be sold in a quantity exceeding 25 cases of 24 bottles, cans, or other sealed containers.

NOTE: The purpose of this bill is to permit certain brewers, brewpubs, manufacturers, and resident brewers to make private labels for existing nonintoxicating beer and nonintoxicating craft beer brands available for purchase.

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