

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 875

By Senator Garcia

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

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. NONINTOXICATING BEER.
§11-16-17. Container labeling.

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

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

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

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

- 19 (3) May not be sold in a quantity exceeding 25 cases of 24 bottles, cans, or other sealed
20 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.