

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Engrossed**  
**Committee Substitute**  
**for**  
**Senate Bill 875**

BY SENATOR GARCIA

[Reported March 27, 2025, from 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 privately labeled  
4 nonintoxicating beer or nonintoxicating craft beer brands available for purchase; providing  
5 for label requirements; providing for pricing and purchasing restrictions; defining terms;  
6 and setting effective and sunset dates.

*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  
3 in 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 or resident brewer may make a private label for a nonintoxicating beer or nonintoxicating craft  
8 beer brand available for purchase by a Class A licensee exclusively for sale by the licensee at a  
9 one-time commemorative event held by the licensee. The private label shall contain designs,  
10 pictures, or wording relating to the Class A licensee's commemorative event and may not contain  
11 any statement or display that may encourage intemperance or advertising presentations designed  
12 to appeal to persons under 21 years of age. No beer brand bearing a private label may be made  
13 available for purchase under this subsection prior to the label's registration and approval by the  
14 commissioner.

15 (1) A nonintoxicating beer or nonintoxicating craft beer brand made available for purchase  
16 with a private label under this subsection shall:

17       (A) Be made available exclusively for a limited purchase by one Class A licensee who  
18 purchases the entire production of the beer brand bearing the private label;

19       (B) In the case of an existing formulated brand with just the addition of the private label,  
20 be purchased at the regular, posted price for the existing nonintoxicating beer or nonintoxicating  
21 craft beer brand, with no reduced price or discount to be offered to the purchasing licensee; and

22       (C) Not be manufactured, sold, and labeled in a quantity exceeding 25 cases of 24 bottles,  
23 cans, or other sealed containers annually.

24       (2) As used in this subsection:

25       (A) The term "Class A licensee" means an entity issued a Class A license for on-premise  
26 consumption by the West Virginia Alcohol Beverage Control Administration.

27       (B) The term "commemorative event" means a one-time celebration of a Class A  
28 licensee's business anniversary.

29       (C) The term "private label" means a label affixed to a nonintoxicating beer or  
30 nonintoxicating craft beer container that bears any design, picture, or wording indicating that the  
31 contents of the container are brewed or manufactured for one particular purchaser.

32       (3) The provisions of this subsection shall be effective beginning on July 1, 2025, and shall  
33 expire and have no further force or effect on or after July 1, 2026.