WEST virginia legislature

2025 regular session

Committee Substitute

for

Senate Bill 875

By Senator Garcia

[Reported March 27, 2025, from 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, or resident brewer make available for purchase a special, private label for a nonintoxicating beer or nonintoxicating craft beer brand, which may not contain any statement or display that may encourage intemperance or advertising presentations designed to appeal to persons under 21 years of 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 a person who purchases the entire production of the private label;

(2) When purchasing an existing formulated brand with just the addition of the private label, the nonintoxicating beer or nonintoxicating craft beer shall be purchased at the regular, posted price for the nonintoxicating beer or nonintoxicating craft beer brand, with no reduced price or discount to be offered to the purchasing licensee or individual; and

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