

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]

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
4 for 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
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 make available for purchase a special, private label for a nonintoxicating beer
8 or nonintoxicating craft beer brand, which may not contain any statement or display that may
9 encourage intemperance or advertising presentations designed to appeal to persons under 21
10 years of age. A private label for a nonintoxicating beer or nonintoxicating craft beer brand made
11 available for purchase under this subsection shall:

12 (1) Be made available exclusively for a limited purchase by one licensee or a person who
13 purchases the entire production of the private label;

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

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