

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4466

By Delegates Pritt, Clay, Brooks, Heckert, and
Holstein

[Originating in the Committee on the Judiciary;

Reported on February 5, 2026]

1 A BILL to amend and reenact §60-6-9 of the Code of West Virginia, 1931, as amended, relating to
2 making it a misdemeanor to being under the impairment of controlled substances in public;
3 and providing for criminal penalties and education upon conviction thereof.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-9. INTOXICATION, ARTICLE 6. MISCELLANEOUS PROVISIONS.

**§60-6-9. Intoxication ~~or by drinking or by use of alcoholic liquor or controlled substances in~~
public places; illegal possession of alcoholic liquor; arrests by sheriffs ~~or their~~
deputies law enforcement for violation in their presence; penalties.**

1 (a) A person may not:

2 (1) Appear in a public place in an intoxicated condition; ~~Provided, That "intoxicated" as~~
3 ~~used herein includes intoxication from alcoholic liquor or any controlled substance as provided in~~
4 ~~§60A-2-201 et seq. and §60A-4-401 et seq. of this code;~~ for purposes of this section, the term
5 "intoxicated" has the same meaning as contained in §60-1-5 of this code, and includes intoxication
6 from the use of a controlled substance as provided in §60A-2-201 et seq. and §60A-4-401 et seq.
7 of this code;

8 (2) Drink alcoholic liquor in a public place;

9 (3) Tender a drink of alcoholic liquor to another person in a public place;

10 (4) Operate a business without a license issued under §60-1-1 et seq. of this code which
11 knowingly facilitates the consumption of alcoholic liquors in a public place by providing for on-site
12 items such as cups, glasses, ice, and nonalcoholic beverages used to mix with alcoholic liquors,
13 refrigeration, or on-site storage of alcoholic liquors in a lounge area or space for persons to gather,
14 perhaps offering musical entertainment, exotic dancing, or other such nude entertainment, or
15 other similar activity or entertainment. Such business may be commonly known as a "bring your
16 own bottle", "bring your own booze", or "BYOB" establishments;

17 (5) Possess alcoholic liquor in the amount in excess of 10 gallons, in containers not
18 bearing stamps or seals of the commissioner, without having first obtained written authority from
19 the commissioner therefor; or

20 (6) Possess any alcoholic liquor which was manufactured or acquired in violation of the
21 provisions of this chapter.

22 (b) Any law-enforcement officer may arrest without a warrant and take the following actions
23 against a person who, in his or her presence, violates subdivision (1), subsection (a) of this
24 section: (1) If there is some nonintoxicated person who will accept responsibility for the intoxicated
25 person, the officer, within his/her discretion, may issue the intoxicated person a citation specifying
26 a date for appearance before a judicial officer and release him or her to the custody of the
27 individual accepting responsibility: *Provided*, That the issuance of a citation shall be used
28 whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after
29 issuance of a citation, transport the individual to the individual's present residence, or arrange for
30 the transportation; (3) if the individual is incapacitated or the alternatives provided in subdivisions
31 (1) and (2) of this subsection are not possible, the officer shall transport or arrange for
32 transportation to the appropriate judicial officer; or (4) if the individual is incapacitated and, in the
33 law-enforcement officer's judgment, is in need of acute medical attention, that officer shall arrange
34 for transportation by ambulance or otherwise to a hospital emergency room. The officer shall
35 accompany the individual until he or she is discharged from the emergency room or admitted to
36 the hospital. If the individual is released from the emergency room, the officer may proceed as
37 described in subdivisions (1), (2), and (3) of this subsection. If the individual is admitted to the
38 hospital, the officer shall issue a citation to the individual specifying a date for appearance before a
39 judicial officer.

40 (c) Upon presentment before the proper judicial officer, the law-enforcement officer serves
41 as the chief complaining witness. The judicial officer shall determine if there is probative evidence
42 that the individual may be guilty of the charge of public intoxication. If such evidence is not

43 presented, the charge shall be dismissed and the individual released. If sufficient evidence is
44 presented, the judicial officer shall issue a warrant and establish bail or issue a summons to the
45 individual. Once a warrant or summons has been issued, the following actions may be taken:

46 (1) If the individual is no longer incapacitated, he or she may be released;

47 (2) If the individual is still incapacitated but a nonintoxicated person is available to accept
48 responsibility for him or her, he or she may be released to the responsible person; or

49 (3) If the individual is still incapacitated and no responsible person is available, the judicial
50 officer shall proceed under §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

51 (d) Any law-enforcement officer may arrest and hold in custody, without a warrant, until
52 complaint may be made before a judicial officer and a warrant or summons issued, any person
53 who in the presence of the law-enforcement officer violates any one or more of subdivisions (1)
54 through (6), subsection (a) of this section: *Provided*, That the law-enforcement officer may use
55 reasonable force to prevent harm to himself or herself, the individual arrested, or others in carrying
56 out the provisions of this section.

57 (e) Any person who violates subdivision (1), subsection (a) of this section is guilty of a
58 misdemeanor and, upon conviction thereof, shall be sentenced by a judicial officer in accordance
59 with the following options:

60 (1) Upon first offense, a fine of not less than \$5 nor more than \$100. If the individual, prior
61 to conviction, agrees to voluntarily attend an alcohol education program counseling on alcohol and
62 controlled substance dependence of not more than six hours' duration at the nearest community
63 mental health — ~~mental retardation~~ center, the judicial officer may delay sentencing until the
64 program is completed and upon completion may dismiss the charges;

65 (2) Upon conviction for a second offense, a fine of not less than \$5 nor more than \$100 and
66 not more than 60 days in jail or completion of not less than five hours of ~~alcoholism counseling~~
67 counseling on alcohol and controlled substance dependence at the nearest community mental
68 health — ~~mental retardation~~ center;

