

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1049

By Senator Woodrum

[Introduced February 21, 2026; referred
to the Committee on Finance]

12 prepared.

13 ~~(6)~~ "Commissioner" or "commission" means the West Virginia Alcohol Beverage Control
14 Commissioner.

15 ~~(7)~~ "Department" means the organization through which the commission exercises powers
16 imposed upon it by this chapter.

17 ~~(8)~~ "Distillery" means an establishment where alcoholic liquor other than wine or beer is
18 manufactured or in any way prepared.

19 ~~(9)~~ "Intoxicated" means a person's faculties are impaired by alcohol or other substance to
20 the point where physical or mental control or both are markedly diminished.

21 ~~(10)~~ "Manager" means an individual who is the applicant's or licensee's on-premises
22 employee, member, partner, shareholder, director, or officer who meets the licensure
23 requirements of §11-16-1 *et seq.* of this code and rules promulgated thereunder who actively
24 manages, conducts, and carries on the day-to-day operations of the applicant or licensee with full
25 and apparent authority or actual authority to act on behalf of the applicant or licensee. ~~Such~~ These
26 duties include but are not limited to: coordinating staffing; reviewing and approving payroll;
27 ordering and paying for inventory, such as nonintoxicating beer, wine, and liquor, as applicable;
28 and managing security staff, security systems, video and other security equipment; and any
29 further acts or actions involved in managing the affairs of the business, on behalf of owners,
30 partners, members, shareholders, officers, or directors.

31 ~~(11)~~ "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process,
32 blend, bottle, or fill an original package with any alcoholic liquor.

33 ~~(12)~~ "Manufacturer" means any person engaged in the manufacture of any alcoholic liquor,
34 and among others includes a distiller, a rectifier, a wine maker, and a brewer.

35 ~~(13)~~ "Nonintoxicating beer" means any beverage obtained by the fermentation of barley,
36 malt, hops, or similar products or substitute, and containing not more alcohol than that specified
37 by §11-16-2 of this code.

38 (14) "Original package" means any closed or sealed container or receptacle used for
39 holding alcoholic liquor.

40 (15) "Person" means an individual, firm, partnership, limited partnership, corporation, or
41 voluntary association.

42 (16) "Powdered alcohol" means an alcohol manufactured in a powder or crystalline form
43 for either direct use or reconstitution as an alcoholic liquor or food. For purposes of this chapter,
44 powdered alcohol excludes any material intended for industrial purposes.

45 (17) "Public place" means any place, building, or conveyance to which the public has, or is
46 permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies, and
47 corridors of hotels and any highway, street, lane, park, or place of public resort or amusement:
48 *Provided*, That the term "public place" shall may not mean or include any of the above-named
49 places or any portion or portions thereof which qualify and are licensed under the provisions of this
50 chapter to sell alcoholic liquors for consumption on the premises: *Provided, however*, That the
51 term "public place" shall may not mean or include any legally demarcated area designated solely
52 for the consumption of beverages and freshly prepared food that directly connects and adjoins any
53 portion or portions of a premise that qualifies and is licensed under the provisions of this chapter to
54 sell alcoholic liquors for consumption thereupon: *Provided further*, That the term "public place"
55 shall may not include a facility constructed primarily for the use of a Division I, II, or III college or
56 university that is a member of the National Collegiate Athletic Association, or its successor, and
57 used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium which
58 holds a special license to sell wine pursuant to ~~the provisions of~~ §60-8-3 of this code, in the
59 designated areas of sale and consumption of wine and other restrictions established by that
60 section and the terms of the special license issued thereunder.

61 "Ready To Drink Low-Proof Distilled Alcohol Products" mean any alcoholic liquor beverage
62 drink, other than wine, beer, or nonintoxicating beer, containing .05 percent or more of alcohol by
63 volume, but not more than 15.5 percent alcohol by volume obtained by the process of distillation,

64 mixed with potable water, fruit juices, flavoring or coloring materials, other alcoholic or non-
65 alcoholic beverages or other ingredients in a solution, which are packaged in containers not to
66 exceed 16 fluid ounces.

67 ~~(18)~~ "Sale" means any transfer, exchange, or barter in any manner or by any means, for a
68 consideration, and shall include all sales made by a principal, proprietor, agent, or employee.

69 ~~(19)~~ "Selling" includes solicitation or receipt of orders; possession for sale; and possession
70 with intent to sell.

71 ~~(20)~~ "Spirits" means any alcoholic beverage obtained by distillation and mixed with potable
72 water and other substances in solution and includes brandy, rum, whiskey, cordials, and gin.

73 ~~(21)~~ "State liquor store" means a store established and operated by the commission under
74 this chapter for the sale of alcoholic liquor in the original package for consumption off the
75 premises.

76 ~~(22)~~ "Wine" means any alcoholic beverage obtained by the fermentation of the natural
77 content of fruits, or other agricultural products, containing sugar.

78 ~~(23)~~ "Winery" means an establishment where wine is manufactured or in any way
79 prepared.

**ARTICLE 8B. EXTENDING WHOLESALE SALES OF READY TO DRINK LOW-
PROOF DISTILLED ALCOHOL PRODUCTS TO CLASS A AND CLASS B
RETAILERS.**

§60-8B-1. Declaration of legislative findings, policy and intent; construction.

1 Ready to drink low-proof distilled alcohol products are produced by distillation and
2 therefore are currently only subject to distribution and sale pursuant to section §60-3A-1 et seq. of
3 this code.

4 The legislature further finds that ready to drink low proof distilled alcohol products due to
5 their relatively lower alcohol content, container size and recent increase in popularity are

6 amenable to final sale at more locations than the number of available retail liquor licensee
 7 locations.

8 In light of the findings made in subsections (a) and (b) of this section the legislature finds
 9 that ready to drink low proof distilled alcohol products may be sold at wholesale by retail liquor
 10 licensees to Class A and Class B retailers licensed under §11-16-16 et seq. of this code for
 11 distribution and sale to consumers.

§60-8B-2. Applicability of other Laws; license to manufacture, sell, and distribute Ready to
drink Low-Proof Distilled Alcohol Products.

1 (a) Sales of ready to drink low-proof distilled alcohol products by retail liquor licenses may
 2 be direct to consumer sales as authorized by Class A and Class B licensees for direct sale to
 3 consumers under §60-3A-1 et seq. of this code and a retail liquor licensee may also act as a
 4 wholesaler of ready to drink low-proof distilled alcohol products to Class A and Class B licensees
 5 regulated by §11-16-1 et seq. of this code. Notwithstanding any provision of this code to the
 6 contrary the maximum wholesale markup of sales of ready to drink low-proof distilled alcohol
 7 products by retail licensees to Class A and Class B licensees regulated by §11-16-1 et seq. this
 8 code may not exceed 22 percent.

9 (c) Except as authorized by the provisions of this section distribution of ready to drink low-
 10 proof distilled alcohol products by retail liquor licensees shall be administered and carried out in
 11 the same manner as set forth in § 60-3A-1 et seq. of this code, and any rules promulgated by the
 12 Commissioner thereunder: *Provided*, That a retail liquor licensee may opt to provide delivery
 13 services to Class A and Class B retailers regulated by §11-16-1 et seq. this code for orders of
 14 ready to drink low-proof distilled alcohol products where an order is for 25 or more cases.
 15 Deliveries shall be conducted consistent with rules promulgated by the commissioner.

16 (d) An annual license fee of \$250 shall be charged retail liquor licenses for the privilege of
 17 wholesale distribution of ready to drink low-proof distilled alcohol products to Class A and Class B
 18 retailers. The fee is non-refundable and cannot be prorated.

19 (e) Retail liquor licensees opting to provide delivery services to Class A and Class B
20 retailers regulated by §11-16-1 et seq. of this code pursuant to subsection (c) of this section shall
21 be charged an annual license fee of \$250. The fee is non-refundable and cannot be prorated.

§60-8B-3. Rule-making authorization.

1 The Commissioner may propose rules for legislative approval in accordance with the
2 provisions of §29A-3-1 et seq. of this code, to implement this article.

NOTE: The purpose of this bill is to allow retail liquor licensees to distribute at wholesale ready to drink low-proof distilled alcohol products to Class A and Class B retailers regulated by §11-16-1 et seq. of the code.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.