

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 740

By Senator Oliverio

[Introduced February 4, 2026; referred
to the Committee on Government Organization]

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, resident brewers, manufacturers, and resident brewers to make privately
4 labeled nonintoxicating beer or nonintoxicating craft beer brands available for purchase;
5 providing for label requirements; providing for pricing and purchasing restrictions; defining
6 terms; 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 in
3 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 or intellectual property other than that of a licensed brewer, resident brewer
6 or manufacturer, unless such trademark or intellectual property has been released for value or for
7 no value to the brewer, resident brewer, or manufacturer for use on the label. The trademark or
8 intellectual property release shall be provided to the commissioner and must disclose any value
9 paid to a licensee or a third party for the rights. The trademark or intellectual property release shall
10 be exempt from disclosure per §29B-1-4(a)(1).

11 (b) As an exception to subsection (a) of this section and in the interest of promoting the
12 state's growing brewing industry and hospitality and tourism in the state, any brewer, resident
13 brewer, or manufacturer may make a private label for a nonintoxicating beer or nonintoxicating
14 craft beer brand available for purchase by one or more Class A licensees for the specific brand to
15 be offered for sale by such licensee. The private label may contain designs, pictures, or wording
16 relating to notable geographic locations, nationally recognized or local sporting events or teams,
17 certain annual commemorative events for a licensee or weddings for a citizen, and may not: (i)

encourage intemperance; or (ii) have advertising presentations designed to appeal to persons under 21 years of age. No beer brand bearing a private label may be made available for purchase under this subsection prior to the label's registration and approval by the commissioner.

(c) A nonintoxicating beer or nonintoxicating craft beer brand made available for purchase with a private label under the exception in this subsection shall:

(1) Be made available exclusively for a limited purchase of a limited quantity by one or more Class A licensees who purchase the beer brand bearing the private label;

(2) In the case of an existing formulated and registered brand with just the addition of the private label bearing released trademarks or intellectual property, be purchased at the regular, posted price for the existing nonintoxicating beer or nonintoxicating craft beer brand, with no reduced price, increased price, or other discount or incentive to be offered to the purchasing licensee, such brand may be subject to a label revision;

(3) Not permit cross promotion or marketing of the brewer, resident brewer, or manufacturer and a licensee or its trademark or intellectual property;

(4) Not permit a brewer, resident brewer, or manufacturer to furnish a thing of value to a licensee; and

(5) Not be manufactured, sold, and labeled in a quantity exceeding 1,000 cases of 24, 12 ounce, bottles or cans or any other configuration of bottles or cans not exceeding 288,000 ounces annually and all beer barrel taxes shall be paid by the brewer, resident brewer, or manufacturer.

NOTE: The purpose of this bill relates to container labeling of nonintoxicating beer and nonintoxicating craft beer.

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