

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 765

**FISCAL
NOTE**

By Senator Takubo

[Introduced February 5, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §60-3A-17 of the Code of West Virginia, 1931, as amended, relating
2 to allowing retail liquor outlets to be able to discount stagnant liquor below the minimum
3 markup.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-17. Wholesale prices set by commissioner; retail licensees to purchase liquor from state; transportation and storage; method of payment.

1 (a) The commissioner shall fix wholesale prices for the sale of liquor, other than wine, to
2 retail licensees. The commissioner shall sell liquor, other than wine, to retail licensees according to
3 a uniform pricing schedule. The commissioner shall obtain, if possible, upon request, any liquor
4 requested by a retail licensee and those permitted to manufacture and sell liquor pursuant to §60-
5 4-3 of this code.

6 (b) Wholesale prices shall be established in order to yield a net profit for the General
7 Revenue Fund of not less than \$6,500,000 annually on an annual volume of business equal to the
8 average for the past three years. The net revenue derived from the sale of alcoholic liquors shall
9 be deposited into the General Revenue Fund in the manner provided in §60-3-17 of this code.

10 (c) Notwithstanding any provision of this code to the contrary, the commissioner shall
11 specify the maximum wholesale markup percentage which may be applied to the prices paid by
12 the commissioner for all liquor, other than wine, in order to determine the prices at which all liquor,
13 other than wine, will be sold to retail licensees. A retail licensee shall purchase all liquor, other than
14 wine, for resale in this state only from the commissioner, and the provisions of §60-6-12 and §60-
15 6-13 of this code shall not apply to the transportation of the liquor: *Provided*, That a retail licensee
16 shall purchase wine from a wine distributor who is duly licensed under §60-8-1 *et seq.* of this code.
17 All liquor, other than wine, purchased by retail licensees shall be stored in the state at the retail
18 outlet or outlets operated by the retail licensee: *Provided, however*, That the commissioner, in his

19 or her discretion, may upon written request permit a retail licensee to store liquor at a site other
20 than the retail outlet or outlets.

21 (d) The sale of liquor by the commissioner to retail licensees shall be paid by electronic
22 funds transfer which shall be initiated by the commissioner on the business day following the retail
23 licensees order or by money order, certified check, or cashier's check which shall be received by
24 the commissioner at least 24 hours prior to the shipping of the alcoholic liquors: *Provided*, That if a
25 retail licensee posts with the commissioner an irrevocable letter of credit or bond with surety
26 acceptable to the commissioner from a financial institution acceptable to the commissioner
27 guaranteeing payment of checks, then the commissioner may accept the retail licensee's checks
28 in an amount up to the amount of the letter of credit.

29 (e) (1) A retail licensee may not sell liquor to persons licensed under the provisions of §60-
30 7-1 *et seq.* of this code at less than 115 percent of the retail licensee's cost as defined in §47-11A-6
31 of this code. If a retail licensee can document, by purchase date and invoice submitted along with
32 a written request to the Commissioner, that a liquor product, which is still salable, has been
33 stagnant in its inventory and not sold for over two years from the purchase date, then, upon
34 meeting the aforesaid requirements and approval by the Commissioner, the retail licensee may
35 not sell stagnant liquor to person licensed under the provisions of §60-7-1 *et seq.* of this code at
36 less than 85 percent of the retail licensee's cost as defined in §47-11A-6 of this code.

37 (2) A retail licensee may not sell liquor to the general public at less than 110 percent of the
38 retail licensee's cost as defined in §47-11A-6 of this code. If a retail licensee can document, by
39 purchase date and invoice submitted along with a written request to the Commissioner, that a
40 liquor product, which is still salable, has been stagnant in its inventory and not sold for over two
41 years from the purchase date, then, upon meeting the aforesaid requirements and approval by the
42 Commissioner, the retail licensee may not sell stagnant liquor to the general public at less than 90
43 percent of the retail licensee's cost as defined in §47-11A-6 of this code.

NOTE: The purpose of this bill is to allow retail liquor outlets who purchased liquor which has not sold in two years to be able to discount liquor that has been documented as stagnant below the minimum markup. The retail liquor outlet benefits from the sale of older or stagnant liquor and the state benefits with additional sales tax on liquor that might otherwise be destroyed.

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