

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 457

BY SENATOR BARRETT

[Introduced January 24, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating
2 to removing gambling and use of gaming devices from definition of activities Alcohol
3 Beverage Control Commission licensee is prohibited to permit on licensee's private club
4 premises.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

1 (a) It is unlawful for any licensee, or agent, employee, or member thereof, on such
2 licensee's premises to:

3 (1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured
4 from the original package or container, except as authorized in §60-6-8 of this code;

5 (2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper
6 entertainment, conduct, or practice; ~~gambling or any slot machine, multiple coin console machine,~~
7 ~~multiple coin console slot machine, or device in the nature of a slot machine; however, various~~
8 ~~games, gaming, and wagering conducted by duly licensed persons of the West Virginia State~~
9 ~~Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public~~
10 ~~service organization (or its auxiliaries), pursuant to §47-20-1 et seq. of this code, and charitable~~
11 ~~raffle games conducted by a duly licensed charitable or public service organization (or its~~
12 ~~auxiliaries), pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's~~
13 ~~licensed premises when operated in accordance with this code and rules promulgated thereunder.~~
14 ~~A private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell,~~
15 ~~tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed~~
16 ~~under §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of~~
17 ~~operation authorized by §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code~~

18 (3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating
19 beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine,
20 or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

21 (4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating
22 beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent,
23 or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer,
24 wine or alcoholic liquor or the use of drugs;

25 (5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any
26 licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m.
27 and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and
28 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday;
29 and

30 (6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating
31 beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of
32 age;

33 (7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand
34 name of any alcoholic liquor;

35 (8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or
36 approved dues-paying member in good standing of the private club or a guest of the member;

37 (9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide,
38 cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as
39 authorized by the commissioner;

40 (10)(A) Employ any person who is younger than 16 years of age in a position where the
41 primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating
42 beer, wine, or alcoholic liquors to any person;

43 (B) Employ any person who is between 16 years of age and younger than 21 years of age
44 who is not directly supervised by a person aged 21 or over in a position where the primary
45 responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer,
46 wine, or alcoholic liquors to any person; or

47 (11) Violate any reasonable rule of the commissioner.

48 (b) It is lawful for any licensee to advertise price and brand in any news media or other
49 means, outside of the licensee's premises.

50 (c) Any person who violates any of the provisions of this section is guilty of a misdemeanor
51 and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or
52 imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.