

H. B. 4412

(By Delegates Skaff, Barrett, Walters,
Guthrie, Sponaugle, E. Nelson, R. Phillips,
Gearheart and Reynolds)

(By Request of the Alcohol Beverage Control Commissioner)

[Introduced February 5, 2014; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §11-16-11b, relating
to creating a special one-day license for charitable events to
sell nonintoxicating beer; setting a fee; and authorizing
rule-making.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §11-16-11b, to read as
follows:

ARTICLE 16. NONINTOXICATING BEER.

**§11-16-11b. One-day license to sell nonintoxicating beer;
waivers; rule-making.**

(a) The commissioner may issue a special one-day license to be
designated a Class S1 license for the retail sale of
nonintoxicating beer to a duly organized nonprofit corporation,

1 limited liability entity or an association allowing the sale and
2 servicing of nonintoxicating beer when raising money for athletic,
3 charitable, educational or religious purposes. The special license
4 is for no longer than one day and the fee is \$25. The
5 nonintoxicating beer used during the event may be donated by or
6 purchased from a licensed retailer, distributor or resident brewer.
7 The license application shall be submitted to the commissioner at
8 least fifteen days prior to the event and contain information as
9 the commissioner may require.

10 (b) A license issued under this section and the licensee
11 remain subject to all other provisions of this article and the
12 rules and orders of the commissioner relating to the special
13 license: *Provided*, That the commissioner may by rule or order
14 provide for certain waivers or exceptions as the circumstances of
15 each event may require, including, without limitation, the right to
16 revoke or suspend any license issued pursuant to this section prior
17 to any notice or hearing, notwithstanding section twenty-four of
18 this article: *Provided, however*, That under no circumstances may
19 the provisions of subdivision (1), (2) or (3), subsection (a),
20 section eighteen of this article, be waived, nor may any exception
21 be granted with respect thereto.

22 (c) The commissioner shall propose rules for legislative
23 approval in accordance with article three, chapter twenty-nine-a of
24 this code to implement this section.

NOTE: The purpose of this bill is to create a one-day special license for charitable events to sell nonintoxicating beer. The bill sets a fee and authorizes rule-making.

This section is new; therefore, it has been completely underscored.