1 **H. B. 2466**

2

3 (By Delegates Storch, Zatezalo, McGeehan, Weld, Fluharty,
4   Trecost, Ferro, Howell, Pasdon, D. Evans and Summers)
5
6 [Introduced January 28, 2015; referred to the

7 Committee on the Judiciary then Finance.]

8

9

10 A BILL to amend and reenact §60-6-7 of the Code of West Virginia, 1931, as amended, relating to

11   state control of alcoholic liquors; miscellaneous provisions; and exempting valid nonprofit

12   organizations from licensing requirements of the West Virginia Alcoholic Beverage Control

13   Authority during certain events.

14 *Be it enacted by the Legislature of West Virginia:*

15   That §60-6-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted

16 to read as follows:

17 **ARTICLE 6. MISCELLANEOUS PROVISIONS.**

18 **§60-6-7. Specific acts forbidden; indictment.**

19   A person ~~shall~~ may not:

20   (1) Manufacture or sell in this state without a license any alcoholic liquor except as permitted

21 by this article*: Provided,* That this prohibition does not apply to a valid nonprofit organization

22 hosting a fundraising event in connection with a reception, dinner or other function where food or

23 a meal and alcoholic beverages, including nonintoxicating beer, wine or liquor are served, without

1 charge to donors who are making a tax deductible contribution, on premises not licensed by the West

2 Virginia Alcoholic Beverage Control Authority: *Provided, however,* That for purposes of such an

3 event a valid nonprofit organization is exempt from any licensing requirements of the West Virginia

4 Alcoholic Beverage Control Authority;

5 (2) Aid or abet in the manufacture or sale of alcoholic liquor without a license except as

6 permitted by this article;

7 (3) Sell without a license any alcoholic liquor other than permitted by this article;

8 (4) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude,

9 unrectified or impure form of ethyl alcohol, or other foreign or deleterious substance or liquid;

10 (5) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has

11 been sold at retail in this state;

12 (6) Advertise any alcoholic liquor in this state except in accordance with the rules and

13 regulations of the commissioner; or

14 (7) Distribute, deal in, process, or use crowns, stamps or seals required under the authority

15 of this chapter, except in accordance with the rules and regulations prescribed by the commissioner.

16 A person who violates any provision of this section shall be guilty of a misdemeanor and,

17 upon conviction shall be fined not less than $50 nor more than $500, or confined in jail not less than

18 thirty days nor more than one year or both such fine and imprisonment, for the first offense. Upon

19 conviction of a second or subsequent offense, the court may in its discretion impose a penalty of

20 confinement in ~~the penitentiary~~ a state correctional facility for a period not to exceed three years.

21 An indictment for any first violation of subdivisions (1), (2) and (3) of this section, or any

22 of them, shall be sufficient if in form or effect as follows:

1 State of West Virginia

2 County of ...., to wit:

3   The Grand Jurors of the State of West Virginia, in and for the body of the County of ....,

4 upon their oaths present that ...., on the .... day of ...., ~~19~~20...., in the said County of

5 ...., did unlawfully, without a state license and without authorization under the Alcohol Beverage

6 Control Act, manufacture and sell, and aid and abet in the manufacture and sale of a quantity of

7 alcoholic liquor, against the peace and dignity of the state.

8   Any indictment under this section shall otherwise be in conformity with section one, article

9 nine, chapter sixty-two of the code.

        NOTE: The purpose of this bill is to exempt valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.

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