

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2804

2015 Carryover

(BY DELEGATES ESPINOSA, MANCHIN, SKINNER, MILLER,
CAPUTO, LONGSTRETH, FERRO, CAMPBELL, WESTFALL,
HARTMAN AND UPSON)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]

1 A BILL to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §60-8-34 of said code, all relating to the sale of alcoholic beverages
 3 on Sundays by private licensees; authorizing licensed private clubs to sell nonintoxicating
 4 beer, wine and alcoholic liquors between the hours of ten thirty a.m. and one p.m. on
 5 Sundays; and authorizing a licensed private bed and breakfast, private wine restaurant or
 6 private wine spa to sell wine for consumption on the licensed premises between the hours
 7 of ten thirty a.m. and one p.m. on Sundays.

Be it enacted by the Legislature of West Virginia:

1 That §60-7-12 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that §60-8-34 of said code be amended and reenacted, all to read as follows:

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 or offer for sale any alcoholic liquors other than from the original package or
 4 container;

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;

8 (3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating
 9 beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine
 10 or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;

11 (4) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating
 12 beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or

13 for or to any person who is physically incapacitated due to consumption of nonintoxicating beer,
14 wine or alcoholic liquor or the use of drugs;

15 (5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any
16 licensed premises or in any rooms directly connected therewith, between the hours of three
17 o'clock a.m. and ~~one o'clock p.m.~~ ten thirty a.m. on any Sunday, or between the hours of three
18 o'clock a.m. and seven o'clock a.m. on any weekday or Saturday;

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

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

24 (8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or
25 approved dues paying member in good standing of said private club or a guest of such member;

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

29 (10) (A) Employ any person who is less than eighteen years of age in a position where the
30 primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or
31 alcoholic liquors to any person;

32 (B) Employ any person who is between the ages of eighteen and twenty-one who is not
33 directly supervised by a person aged twenty-one or over in a position where the primary
34 responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic
35 liquors to any person; or

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

37 (b) It is unlawful for any licensee to advertise in any news media or other means, outside
38 of the licensee's premises, the fact that alcoholic liquors may be purchased ~~thereat~~ there.

39 (c) Any person who violates any of the foregoing provisions is guilty of a misdemeanor
40 and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or
41 ~~imprisoned~~ confined in the county jail for a period not to exceed more than one year, or both fined
42 and ~~imprisoned~~ confined.

ARTICLE 8. SALE OF WINES.

§60-8-34. When retail sales prohibited.

1 It ~~shall be~~ is unlawful for a retailer, farm winery, wine specialty shop retailer, private wine
2 bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants,
3 agents or employees to sell or deliver wine between the hours of two o'clock a.m. and one o'clock
4 p.m. on Sundays, or between the hours of two o'clock a.m. and seven o'clock a.m. on weekdays
5 and Saturdays: Provided, That a private wine bed and breakfast, a private wine restaurant or
6 private wine spa licensee may sell wine for consumption on the licensee's premises between the
7 hours of ten thirty o'clock a.m and one o'clock p.m. on Sundays.

NOTE: The purpose of this bill is to permit the sale of wine and other legal beverages by private clubs and the sale of wine by private wine bed and breakfasts, private wine restaurants or private wine spa licensees between the hours of ten thirty o'clock a.m. and one o'clock p.m. on Sundays.

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