

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Originating

Senate Bill 685

BY SENATORS TRUMP, WELD, AZINGER, CLEMENTS,
FERNs, KARNES, MAYNARD, RUCKER, SMITH, SWOPE,
BEACH, JEFFRIES, MILLER, ROMANO AND WOELFEL

[Originating in the Committee on the Judiciary;

Reported on March 24, 2017]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. NONINTOXICATING BEER.

**§11-16-11b. Special license for one-day charitable events; license fee and application;
license subject to provisions of article; exceptions.**

1 The commissioner may issue special one-day licenses to be designated Class S1 licenses
2 for the retail sale of nonintoxicating beer to a duly organized nonprofit corporation, limited liability
3 entity or an association having received federal tax-exempt status, allowing the sale and serving
4 of nonintoxicating beer when raising money for artistic, athletic, charitable, educational or religious
5 purposes. One special license may be issued for a period no longer than one day. The license
6 application shall contain information the commissioner requires and shall be submitted to the
7 commissioner at least fifteen days prior to the event. Nonintoxicating beer used during the event
8 may be donated by or purchased from a licensed retailer, distributor or resident brewer.

9 A license issued under the provisions of this section and the licensee holding the license
10 is subject to all other provisions of this article and the rules and orders of the commissioner relating
11 to the special license: *Provided*, That the commissioner may, by rule or order, allow waivers or
12 exceptions with respect to those provisions, rules or orders as the circumstances of each event
13 require, including, without limitation, the right to revoke or suspend any license issued pursuant
14 to this section prior to any notice or hearing notwithstanding the provisions of section twenty-four
15 of this article: *Provided, however*, That under no circumstances may the provisions of subdivision

- 16 (1), (2) or (3), subsection (a), section eighteen of this article be waived or an exception granted
17 with respect thereto.

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