

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 101

BY SENATORS TRUMP, TAKUBO, AND WOELFEL

[Introduced January 10, 2018; Referred
to the Committee on Judiciary]

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:

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 §11-16-24 of this
 15 code: *Provided, however*, That under no circumstances may §11-16-18(a)(1), §11-16-18(a)(2) or
 16 §11-16-18(a)(3) of this code be waived or an exception granted with respect thereto.

NOTE: The purpose of this bill is to create a one-day special license for charitable events to sell nonintoxicating beer.

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