

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 354

BY SENATORS TRUMP, WELD, TAKUBO, FERNS, CLINE,

AND BOSO

[Introduced January 24, 2018; Referred

to the Committee on the 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 purchase and sell nonintoxicating beer and nonintoxicating craft beer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. NONINTOXICATING BEER.

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

1 The commissioner may issue a special one-day license to be designated a Class S1
 2 license for the retail sale of nonintoxicating beer and nonintoxicating craft beer to a duly organized
 3 nonprofit corporation, limited liability entity, or an association having received federal tax exempt
 4 status allowing the sale and serving of nonintoxicating beer or nonintoxicating craft beer when
 5 raising money for artistic, athletic, charitable, educational, or religious purposes. There may be
 6 no fee charged to the applicant that meets requirements for licensure. The special license shall
 7 be issued for a term no longer than one day. No more than 10 licenses may be issued to any
 8 single licensee during any calendar year. The license application shall contain a copy of the
 9 documents showing approved federal tax exempt status and other information the commissioner
 10 requires and shall be submitted to the commissioner at least 15 days prior to the event.
 11 Nonintoxicating beer served and sold during the event shall be purchased from a licensed retailer,
 12 distributor or resident brewer that services the location where the festival, fair or other event is
 13 occurring. Licensed representatives of distributors, brewers or resident brewers may attend the
 14 one day event and discuss their products but may not engage in the serving or selling of the
 15 nonintoxicating beer or nonintoxicating craft beer. A licensee licensed by this section may use
 16 bona fide employees or volunteers of the charitable entity.

17 A license issued under the provisions of this section and the licensee holding the license
 18 are subject to all other provisions of this article and the rules and orders of the commissioner
 19 relating to the special license: *Provided*, That the commissioner may by rule or order allow certain

20 waivers or exceptions with respect to those provisions, rules or orders as the circumstances of
21 each event requires, including, without limitation, the right to revoke or suspend any license issued
22 pursuant to this section prior to any notice or hearing notwithstanding the provisions of §11-16-24
23 of this code: *Provided, however,* That under no circumstances may the provisions §11-16-18(a)
24 (1), §11-16-18(a)(2), or §11-16-18(a)(3) of this code be waived or an exception granted with
25 respect thereto.

NOTE: The purpose of this bill is to create a new code section for a one-day special license for charitable organizations to purchase and sell nonintoxicating beer and nonintoxicating craft beer as similarly permitted in W. Va. Code §60-8-3 for wine. The bill: promotes charitable causes; promotes the beer industry, promotes the craft beer industry, and generates beer barrel tax and sales tax collections.

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