

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 347

FISCAL
NOTE

BY SENATORS WELD, BEACH, IHLENFELD, LINDSAY, AND

NELSON

[Introduced February 18, 2021; 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 §60-7-9, relating to allowing private club licensees that are licensed to sell
3 alcoholic liquors, beer and wine, to sell alcoholic beverages by the drink to their members
4 and their guests for carryout and consumption off the licensed premises; prescribing
5 requirements for alcoholic beverage containers; providing that drinks for carryout
6 furnished in compliance with this section may not be deemed an open container.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7- 9. Carryout of alcoholic beverages.

1 (a) As used in this section, “alcoholic beverage” means beer, wine, or spirituous liquor.”

2 (b) Notwithstanding any provision of this code to the contrary, the holder of a private club
3 license issued pursuant to §60-7-1 et seq. of this code may sell alcoholic beverages by the drink
4 to their members and their guests for carryout and consumption off the licensed premises, under
5 the following terms:

6 (1) The drink is in a sealed container, which has a secure lid, cap or other closure designed
7 to prevent consumption without removing, opening or breaking the lid, cap or other closure.

8 (2) The lid, cap or other closure must be tamper evident, which means that it is sealed
9 with material such as wax dip, heat shrink wrap, adhesive tape, screw top, or other material or
10 method designed to reveal the removal, opening or breaking of the lid, cap, or other closure.

11 (3) The container shall not be made of disposable paper, plastic, polystyrene foam, or
12 Styrofoam cups. Substantial or sturdy plastic containers and vacuum or heat-sealed pouches are
13 allowed.

14 (4) The container shall not include any sipping hole or other opening for a straw, unless
15 the hole or other opening is covered by a tamper evident seal preventing consumption without
16 being removed, opened or otherwise broken. A straw may be separately provided to the consumer
17 for use with the drink off the licensed premise.

18 ~~(5) The container shall not exceed a maximum capacity of 16 fluid ounces, inclusive of~~
19 ~~ice.~~

20 ~~(6) Licensees furnishing drinks for carryout are subject to laws and regulations prohibiting~~
21 ~~alcoholic beverage sales to underage persons and intoxicated persons.~~

22 ~~(7) Purchasers of drinks for carryout are subject to laws and regulations prohibiting open~~
23 ~~containers of alcoholic beverages, but a drink for carryout furnished in compliance with this~~
24 ~~section may not be deemed an open container that may be otherwise prohibited by law, if the~~
25 ~~container is unopened, the seal has not been removed, opened or otherwise broken, and no~~
26 ~~contents have been removed.~~

NOTE: The purpose of this bill is to allow private club licensees to sell alcoholic beverages by the drink to their members and their guests for carryout and consumption off the licensed premises.

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