

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Introduced**

## **Senate Bill 582**

BY SENATORS CAPUTO AND LINDSAY

[Introduced March 5, 2021; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §60-8-20a of the Code of West Virginia, 1931, as amended, relating  
 2 to lowering the authorized age to sell or deliver wine from 18 to 16.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 8. SALE OF WINES**

### **§60-8-20a. Unlawful acts by persons.**

1 (a) Any person under the age of 21 years who purchases, consumes, sells, possesses, or  
 2 serves wine or other alcoholic liquor is guilty of a misdemeanor, and, upon conviction thereof,  
 3 shall be fined in an amount not to exceed \$500 or shall be ~~incarcerated in the county~~ confined in  
 4 jail for a period not to exceed 72 hours, or both fined and ~~imprisoned~~ confined, or, ~~in lieu of such~~  
 5 ~~fine and incarceration~~ may, for the first offense, be placed on probation for a period not to exceed  
 6 one year.

7 Nothing in this article, nor any rule or regulation of the commissioner, ~~shall~~ may prevent  
 8 or be deemed to prohibit any person who is at least ~~eighteen~~ 16 years of age from serving in the  
 9 lawful employment of any licensee, which may include the sale or delivery of wine as defined in  
 10 this article. Further, nothing in this article, nor any rule or regulation of the commissioner, ~~shall~~  
 11 may prevent or be deemed to prohibit any person who is less than 18 but at least 16 years of age  
 12 from being employed by a licensee whose principal business is the sale of food or consumer  
 13 goods or the providing of recreational activities, including, but not limited to, nationally franchised  
 14 fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery  
 15 stores and convenience stores. ~~Provided, That such person shall not sell or deliver wine or~~  
 16 ~~alcoholic liquor.~~

17 Nothing in this subsection ~~shall~~ may prohibit a person who is at least 18 years of age from  
 18 purchasing or possessing wine or alcoholic liquor when he or she is acting upon the request of or  
 19 under the direction and control of any member of a state, federal or local law-enforcement agency  
 20 or the West Virginia Alcohol Beverage Administration while the agency is conducting an

21 investigation or other activity relating to the enforcement of the alcohol beverage control statutes  
22 and the rules and regulations of the commissioner.

23 (b) Any person under the age of 21 years who, for the purpose of purchasing wine or other  
24 alcoholic liquors from a licensee, misrepresents his or her age, or who for such purpose presents  
25 or offers any written evidence of age which is false, fraudulent or not actually his or her own, or  
26 who illegally attempts to purchase wine or other alcoholic liquors, is guilty of a misdemeanor, and,  
27 upon conviction thereof, shall be fined in an amount not to exceed \$50 or shall be ~~imprisoned~~  
28 confined in the county jail for a period not to exceed 72 hours, or both ~~such fine and imprisonment~~  
29 fined and confined or ~~in lieu of such fine and imprisonment~~ may, for the first offense, be placed  
30 on probation for a period not exceeding one year.

31 (c) Any person who ~~shall knowingly buy for, give to or furnish~~ buys for, gives to or furnishes  
32 wine or other alcoholic liquors from any source to anyone under the age of 21 to whom they are  
33 not related by blood or marriage, is guilty of a misdemeanor and shall, upon conviction thereof,  
34 be fined in an amount not to exceed one hundred dollars or shall be ~~imprisoned~~ confined in the  
35 ~~county~~ jail for a period not to exceed 10 days, or both ~~such fine and imprisonment~~ fined and  
36 confined.

NOTE: The purpose of this bill is to lower the legal age of someone employed by a licensee to sale or deliver wine from 18 to 16.

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