

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3098

BY DELEGATES WILLIAMS, LAVENDER-BOWE, C. THOMPSON,

ESTEP-BURTON, COOPER, CAMPBELL, FLUHARTY,

PUSHKIN AND PYLES

[Passed March 7, 2020; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple
3 licenses for manufacturing alcoholic liquors and nonintoxicating beer; establishing
4 requirements for licenses; and requiring full payment of all fees.

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

**§11-16-6. License in one capacity only; no connection between different licensees; when
brewer may act as distributor; credit and rebates proscribed; brewer, resident
brewer, and brewpub requirements.**

1 (a) A person shall not be licensed in more than one capacity under the terms of this article,
2 and there shall be no connection whatsoever between any retailer, distributor, resident brewer,
3 or brewer, and a person shall be interested, directly or indirectly, through the ownership of
4 corporate stock, membership in a partnership, or in any other way in the business of a retailer, if
5 the person is at the same time interested in the business of a brewer, resident brewer or
6 distributor. A resident brewer may act as distributor in a limited capacity for his or her own product
7 from the resident brewery or place of manufacture or bottling, but a resident brewer, is not
8 permitted to act as a distributor as defined in §11-16-3 of this code: *Provided*, That nothing in this
9 article may prevent a resident brewer from using the services of licensed distributors as specified
10 in this article. A resident brewer or distributor may sell to a patron for personal use and not for
11 resale, quantities of draught beer in original containers that are no larger in size than one-half
12 barrel for off-premises consumption. A resident brewer who also has a brewpub license may sell
13 nonintoxicating beer or nonintoxicating craft beer produced by the resident brewer in cans, bottles,
14 or sealed growlers, pursuant to §11-16-6b of this code, for personal consumption off of the
15 brewpub's licensed premises and not for resale.

16 (b) It is unlawful for any brewer, resident brewer, manufacturer, or distributor to assist any
17 retailer or for any retailer to accept assistance from any brewer, manufacturer, or distributor,
18 accept any gifts, loans, forbearance of money or property of any kind, nature, or description, or
19 other thing of value, or give any rebates or discounts of any kind whatsoever, except as permitted
20 by rule, or order promulgated by the commissioner in accordance with this article.

21 (c) Notwithstanding subsections (a) and (b) of this section, a brewpub may offer for retail
22 sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating
23 beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except as
24 provided in §11-16-6b of this code.

25 (d) A brewer or resident brewer licensed under this section may also be licensed under
26 §60-4-1 *et seq.* of this code: *Provided*, That the holder of the license meets all the requirements
27 for the additional licenses required by the commissioner and pays all fees related to the license:
28 *Provided, however*, That the licensee maintains all the rights and privileges associated with the
29 license.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 4. LICENSES.

§60-4-2. Licenses for manufacture.

1 (a) The commission may grant licenses for the manufacture of alcoholic liquors. Separate
2 licenses shall be issued to the following classes of manufacturing establishments:

3 (1) Distilleries in which only alcoholic liquors other than wine or beer is manufactured;

4 (2) Wineries in which only wines are manufactured;

5 (3) Breweries in which beer is manufactured;

6 (4) Bottling plants in which beer only is bottled;

7 (5) Industrial plants in which alcohol is distilled, manufactured or otherwise produced for
8 scientific, chemical, mechanical or industrial purposes;

9 (6) Farm wineries in which only wines are manufactured; and

10 (7) Mini-distilleries in which only alcoholic liquors other than wine, beer or nonintoxicating
11 beer are manufactured.

12 (b) The commission may grant multiple licenses for the manufacture of alcoholic liquors
13 or nonintoxicating beer to the same person or entity: *Provided*, That such licensure does not
14 violate other provisions of this code, the licensee meets all requirements for the license
15 established by the commissioner, and licensee submits the full payment of all fees required for
16 licensure: *Provided, however*, That the licensee maintains all the rights and privileges associated
17 with each license not violative of state or federal law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2020.

.....
Governor