

Craft Cocktail Growler

“**Craft Cocktail Growler**” means a container or jug that is made of glass, ceramic, metal, plastic, or other material approved by the commissioner (not plastic), that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed. The growler is utilized by an authorized licensee for purposes of off-premises sales only of liquor **and** a nonalcoholic mixer or beverage for personal consumption not on a licensed premises and not for resale. A securely sealed craft cocktail growler is not an open container under state and local law. A craft cocktail growler with a broken seal is an open container under state and local law. A craft cocktail growler is not an original container of liquor, but once sanitized, filled, properly sealed, and sold, is a sealed container.

A licensed **private club restaurant (PCR)** or **private manufacturer club (PMC)** is an authorized licensee for craft cocktail growler sales, and may offer a craft cocktail growler with the ratio of up to 1 fluid ounce of liquor to 4 fluid ounces of nonalcoholic beverages or mixers, not to exceed 128 fluid ounces for the entire beverage in the craft cocktail growler, for retail sale to patrons from their licensed premises in a sealed craft cocktail growler for personal consumption only off of the licensed premises. For example, a 20 ounce growler could have up to 4 ounces of liquor combined with 16 ounces of non-alcoholic beverages or mixers.

“**Prepared food or a meal**” for a PCR or PMC, for purposes of this article, mean food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does **not** include pre-packaged food from the manufacturer.

How to Purchase: The craft cocktail growler purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished: to a patron at the licensed premises when the patron has not been consuming alcohol and has ordered a prepared food or meal to go; by a patron who placed an order via telephone, mobile application or web-based software for in-person or in-vehicle (curbside) pick up of the prepared food or a meal and craft cocktail growler; or by a patron who placed an order via telephone, mobile application or web-based software for delivery of the prepared food or a meal and craft cocktail growler by the licensee or a licensed third party.

NO CRAFT COCKTAIL GROWLER MAY BE SOLD FOR ON-PREMISES CONSUMPTION.
NO CRAFT COCKTAIL GROWLER MAY BE SOLD FOR OFF-PREMISES CONSUMPTION TO A PERSON WHO HAS BEEN CONSUMING ALCOHOL ON A LICENSEE’S LICENSED PREMISES.

A licensee:

- shall verify, using proper identification, prior to the sale, that any patron purchasing the craft cocktail growler is 21 years of age or older, that the patron is not visibly or noticeably intoxicated.
- shall not sell craft cocktail growlers to other licensees, but only to its members and guests.
- must provide food or a meal along with one sealed craft cocktail growler to a patron for off premises consumption only, and not for resale.
- must prevent patrons from filling a craft cocktail growler or accessing the secure area where the filling occurs.
- shall clean and sanitize all craft cocktail growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing.
- must sanitize, fill, or refill a used but clean growler, securely seal, and label any craft cocktail growler prior to its sale.
- shall visually safety inspect any craft cocktail growler before filling or refilling it and must be securely sealed.
- may not fill or refill any craft cocktail growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.
- A secure seal means using a **tamper-evident seal**, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of craft cocktail growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the craft cocktail growler is opened.
- shall affix a **conspicuous label** on all sold and securely sealed craft cocktail growlers listing the name of the licensee selling the craft cocktail growler, the brand of the liquor in the craft cocktail growler, the type of craft cocktail or name of the craft cocktail, the alcohol content by volume of the liquor in the craft cocktail growler, and the date the craft cocktail growler was filled or refilled, and, all labeling on the craft cocktail growler shall be consistent with all federal labeling and warning requirements.
- may pre-mix, with a separate pre-mixing permit, the nonalcoholic beverages or mixers in the advance of a craft cocktail growler purchase and sealing, and add the liquor, upon a member or guest’s purchase of a craft cocktail growler.

This is a summary, the completed legislation can be found at www.abca.wv.gov