# ALERT, ALERT . . . TO ALL PRIVATE CLUBS . . .

Please take note of new EMS/Law Enforcement and WVABCA Notification Requirements under WV Law.

- Please read and review **SB 110**, which passed the Legislature and was signed by the Governor to be effective June 4, 2018. Do not rely solely on this alert, licensee's may wish to consult their own attorney.

- A private club licensee shall notify emergency medical services or law enforcement (in a timely manner) if the licensee knows of a life-threatening emergency occurring on their premises or emanating from their premises.

- If a life-threatening emergency occurs, a private club licensee shall notify the WVABCA (within 48 hours) of such occurrence. A private club licensee that fails to meet the notification requirements is subject to penalties such as revocation, suspension and monetary sanctions.

- Life-threatening medical emergencies include (but are not limited to):

  - Respiratory distress
  - Cessation of breathing
  - Severe chest pains
  - Shock
  - Uncontrolled bleeding
  - Poisoning
  - Prolonged unconsciousness
  - Overdose
  - Head or spinal injury, or any complaint or observation of such injury
  - Life-threatening physical injury caused by a crime of violence at or emanating from the licensed premises

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

## Enrolled

## Committee Substitute

## for

# Senate Bill 110

SENATOR TRUMP, *original sponsor*

[Passed March 6, 2018; in effect 90 days from passage]

AN ACT to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating generally to private club licensees; continuing Alcohol Beverage Control Enforcement Fund; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; authorizing sanctions against licensees' failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; and providing examples of life-threatening medical emergencies.

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

## ARTICLE 7. LICENSES TO PRIVATE CLUBS.

### §60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed 12 months; and

(4) Impose a monetary penalty not to exceed $1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby

14 continued. All moneys collected, received, and deposited in the Alcohol Beverage Control
15 Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the
16 purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, and shall not be
17 treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At
18 the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess
19 of $20,000 shall be transferred to the General Revenue Fund.

20 (c) In addition to the grounds for revocation, suspension, or other sanction of a license set
21 forth in §60-7-13(a) of this code, conviction of the licensee of any offense constituting a violation
22 of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or
23 gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee
24 of any violation of the laws of this state or of the United States relating to prostitution, or the sale,
25 possession, or distribution of narcotics or controlled substances, shall be mandatory grounds for
26 revocation of the licensee's license for a period of at least one year.

27 (d) A licensee shall notify, in a timely manner, emergency medical services or law
28 enforcement if a licensee knows, or has reason to know, of a life-threatening medical emergency
29 occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other
30 sanction of a license set forth in this section, the commissioner may, in his or her discretion,
31 revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this
32 subsection.

33 (e) If a life-threatening medical emergency occurs on a licensee's private premises
34 requiring notification of emergency medical services or law enforcement under §60-7-13(d) of this
35 code, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the
36 emergency's occurrence. The commissioner may, in his or her discretion, revoke, suspend, or
37 otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

38 (f) As used in this section, a life-threatening medical emergency includes, but is not limited
39 to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled

40 bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which
41 indicates significant head or spinal injury, and life-threatening physical injury caused by a crime
42 of violence against the person occupying or emanating from the licensed premises.

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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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Day of ....., 2018.

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*Governor*