

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 88

(By Mr. Vickers, Mr. President.

PASSED February 23 1945

In Effect July 1, 1945 Passage—

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



88
Recd
2-27

ENROLLED

Senate Bill No. 88

(BY MR. VICKERS, MR. PRESIDENT)

[Passed February 23, 1945; effective July 1, 1945.]

AN ACT to amend and reenact section five, article one, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the alcoholic contents of nonintoxicating beer.

Be it enacted by the Legislature of West Virginia:

That section five, article one, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. For the purposes of this chapter;

2 "Alcohol" shall mean ethyl alcohol whatever its origin,
3 and shall include synthetic ethyl alcohol but not de-
4 natured alcohol.

5 "Beer" shall mean any beverage obtained by the fer-
6 mentation of barley, malt, hops, or any other similar
7 product or substitute, and containing more than three
8 and two-tenths per cent of alcohol by weight.

9 "Nonintoxicating beer" shall mean any beverage ob-
10 tained by the fermentation of barley, malt, hops, or
11 similar products or substitute, and containing not more
12 than three and two-tenths per cent of alcohol by weight.

13 "Wine" shall mean any alcoholic beverage obtained by
14 the fermentation of the natural content of fruits, or
15 other agricultural products, containing sugar.

16 "Spirits" shall mean any alcoholic beverage obtained by
17 distillation and mixed with potable water and other
18 substances in solution, and includes brandy, rum, whiskey,
19 cordials and gin.

20 "Alcoholic liquor" shall include alcohol, beer, wine, and
21 spirits, and any liquid or solid containing more than

22 three and two-tenths per cent of alcohol by weight and
23 capable of being used as a beverage.

24 "Original package" shall mean any closed or sealed
25 container or receptacle used for holding alcoholic liquor.

26 "Sale" shall mean any transfer, exchange, or barter in
27 any manner or by any means, for a consideration, and
28 shall include all sales made by principal, proprietor, agent
29 or employee.

30 "Selling" shall include solicitation or receipt of orders;
31 possession for sale; and possession with intent to sell.

32 "Person" shall mean an individual, firm, partnership,
33 corporation or voluntary association.

34 "Manufacture" means to distill, rectify, ferment, brew,
35 make, mix, concoct, process, blend, bottle, or fill an
36 original package with any alcoholic liquor.

37 "Manufacturer" shall mean any person engaged in the
38 manufacture of any alcoholic liquor, and among others
39 includes a distiller, a rectifier, a wine maker, and a
40 brewer.

41 "Brewery" shall mean an establishment where beer is
42 manufactured or in any way prepared.

43 "Winery" shall mean an establishment where wine is
44 manufactured or in any way prepared.

45 "Distillery" shall mean an establishment where alco-
46 holic liquor other than wine or beers is manufactured or
47 in any way prepared.

48 "Public place" shall mean any place, building, or con-
49 veyance to which the public has, or is permitted to have
50 access, including restaurants, soda fountains, and hotel
51 dining rooms and lobbies, and corridors of hotels, and any
52 highway, street, lane, park or place of public resort or
53 amusement.

54 "State liquor store" shall mean a store established and
55 operated by the commission under this chapter for the
56 sale of alcoholic liquor in the original package for con-
57 sumption off the premises.

58 "An agency" shall mean a drug store, grocery store or
59 general store designated by the commission as a retail
60 distributor of alcoholic liquor for the West Virginia
61 liquor control commission.

62 "Department" shall mean the organization through

63 which the commission exercises powers imposed upon it
64 by this chapter.

65 "Commission" shall mean the West Virginia liquor con-
66 trol commission.

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

Charles C. Morris
Chairman Senate Committee

John D. Grayson Jr.
Chairman House Committee

Originated in the

Senate

Takes effect

July 1, 1945

passage

Thomas H. Hayes
Clerk of the Senate

W. A. Kipp
Clerk of the House of Delegates

Donald M. Tucker
President of the Senate

John E. Amos
Speaker House of Delegates

The within

Approved

this the

27th

day of

February

, 1945.

Oliver M. Edwards
Governor.



Filed in the office of the Secretary of State
of West Virginia FEB 27 1945
Wm. S. DUBOIS,
Secretary of State