

2-14-33

210

# ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 210

(By Mr. Thomas)

Passed February 9 1933

In Effect From Passage

Originated in the *House* Takes effect *from* passage  
*Geo. Sobacek* Clerk. *Geo. Sobacek* Clerk of the House of Delegates.  
CORRECTLY ENROLLED

*Anna D. Stone*  
Chairman Senate Committee.

*James L. Smith*  
Chairman House Committee.

# ENROLLED BILL

(II. B. No. 210)

[Passed February 9, 1933; in effect from passage.]

AN ACT to amend and reenact section five, article one, chapter sixty of the code of West Virginia as last amended and reenacted by chapter sixteen, acts extraordinary session legislature, one thousand nine hundred thirty-two, authorizing licensed physicians to prescribe spirituous liquors for medicinal purposes, to levy a tax thereon, and authorizing the tax commissioner to issue permits for the sale of other alcoholic preparations.

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

That section five, article one, chapter sixty of the code of West Virginia as last amended and reenacted by chapter sixteen, acts extraordinary session legislature, one thousand nine hundred thirty-two, authorizing licensed physicians to prescribe spirituous liquors for medicinal purposes, to levy a tax thereon, and authorizing the

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*James L. Smith*  
*Wm. A. Byrd*

*Chairman House Committee.*

*Chairman Senate Committee.*

tax commissioner to issue permits for the sale of other alcoholic preparations, be amended and reenacted to read as follows:

Section 5. The provisions of this chapter shall not be construed to prevent anyone from manufacturing (other than by "moonshine still"), from fruit grown exclusively in this state, nonintoxicating wine for his own domestic consumption; or to prevent the manufacture from fruit grown exclusively within this state of vinegar and nonintoxicating cider for use or sale; or to prevent the manufacture and sale of pure grain alcohol, at wholesale to druggists, hospitals, sanitariums, laboratories and manufacturers of medicinal, pharmaceutical, scientific and mechanical purposes, or of wine for sacramental purposes by religious bodies; or to prevent the manufacture and sale of spirituous liquors to druggists, or to prevent the sale and keeping and storing for sale by druggists of wine for sacramental purposes by religious bodies, or any United States pharmacopoeia or national formulary preparation in conformity with the West Virginia pharmacy law, or any preparation which is exempted by the provisions of the national pure food law; or to prevent the sale by druggists through pharmacists, of pure grain alcohol for medicinal, scientific, pharmaceutical and mechanical

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James L. Smith  
Sena A. Rogers

*Chairman Senate Committee.*

*Chairman House Committee.*

Enrolled H. B. No. 210]

3

20 purposes; or to prevent the use of such alcohol by physicians,  
21 dentists and veterinarians in the practice of their profession;  
22 or to prevent the medication and sale of pure grain alcohol ac-  
23 cording to formulae and under regulations of the national pro-  
24 hibition act; or to prevent the sale by druggists, through  
25 pharmacists, of spirituous liquors under prescriptions properly  
26 issued by licensed physicians in conformity and in accordance  
27 with the provisions of Title II of the act of congress known as  
28 national prohibition act, passed October twenty-eight, one thou-  
29 sand nine hundred nineteen; or to prevent the purchase and use  
30 in the manufacture of medicinal preparations and compounds  
31 by wholesale druggists only of sherry wine in quantities not  
32 exceeding twenty-five wine gallons during any period of ninety  
33 days:  
34 *Provided*, That no one shall manufacture, sell, keep for sale,  
35 purchase or transport any liquors, as defined in section one of  
36 this article and as herein excepted, without first obtaining a  
37 permit from the tax commissioner so to do. Forms of applica-  
38 tions and permits shall be prepared by the tax commissioner  
39 and a fee for each permit issued shall be collected by him as  
40 follows:

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*James L. Smith*  
*Chairman House Committee*  
*Alvin A. Johnson*  
*Chairman Senate Committee*

41 (a) All manufacturers of liquors and wholesale dealers  
42 therein shall pay a fee of fifty dollars for each permit;

43 (b) All purchasers in wholesale quantities of ethyl alcohol  
44 in any form, whether pure, medicated, or denatured, for use as  
45 herein provided, shall pay a fee of ten dollars for each permit;

46 (c) All purchasers in wholesale quantities of liquors as de-  
47 fined in section one of this article for sale at retail, except duly  
48 licensed druggists, shall pay a fee of two dollars for each permit;

49 (d) All persons except duly licensed druggists registering  
50 stills and given permits to use the same for lawful purposes  
51 shall pay a fee of five dollars for each permit: *Provided*, That  
52 any still used only for the manufacture of chemicals, including  
53 water, in which the process of distillation is a common and  
54 necessary operation, and which still shall not be used for the  
55 distillation of ethyl alcohol in any form, shall be required to be  
56 registered, but the owner and operator thereof shall not be re-  
57 quired to obtain a permit therefor, or to pay license tax thereon.  
58 No fee shall be required for a permit to obtain wine for sacra-  
59 mental or religious rites;

60 (e) All purchasers of spirituous liquors shall be required to  
61 pay a fee of fifty cents per pint, such fee to be represented by a

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*James L. Smith*  
*Henry D. Byrnes*

*Chairman House Committee.*

*Chairman Senate Committee.*

Enrolled H. B. No. 210]

5

62 stamp furnished to druggists and duly cancelled by the initials  
63 in ink of the person affixing the same. Said stamp shall be pre-  
64 pared by the state tax commissioner and sold by him to the  
65 parties permitted by law to handle the same. The persons for  
66 whom the prescriptions are given shall pay for the stamps  
67 affixed thereto.

68 Permits shall be issued for the calendar year and shall expire  
69 on the thirty-first day of December next following the issuance  
70 thereof. All moneys received by the state tax commissioner  
71 shall belong to the state and shall be by him immediately paid  
72 into the state treasury:

73 *Provided further,* That such liquors shall be manufactured,  
74 sold, kept for sale, transported and used under permits issued  
75 by the federal prohibition commissioner and in accordance with  
76 regulations issued in pursuance of the national prohibition act.

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*[Signature]*  
Chairman Senate Committee.

*[Signature]*  
Speaker of the House of Delegates.

*[Signature]*  
Clerk of the House of Delegates.

*[Signature]*  
President of the Senate.

*[Signature]*  
Clerk of the Senate.

*[Signature]*  
Chairman House Committee.

The within is *Approved*

this *16<sup>th</sup>* day of *February*, 1933.

*[Signature]*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia **FEB 17 1933**  
**GEORGE W. SHARP,**  
Secretary of State.