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:
"Alcohol" shall mean ethyl alcohol whatever its origin; and shall include synthetic ethyl alcohol but not de-natured alcohol.

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

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

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

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

"Alcoholic liquor" shall include alcohol, beer, wine, and spirits, and any liquid or solid containing more than
three and two-tenths per cent of alcohol by weight and capable of being used as a beverage.

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

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

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

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

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

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

"Brewery" shall mean an establishment where beer is manufactured or in any way prepared.
“Winery” shall mean an establishment where wine is manufactured or in any way prepared.

“Distillery” shall mean an establishment where alcoholic liquor other than wine or beers is manufactured or in any way prepared.

“Public place” shall mean any place, building, or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, and hotel dining rooms and lobbies, and corridors of hotels, and any highway, street, lane, park or place of public resort or amusement.

“State liquor store” shall mean a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

“An agency” shall mean a drug store, grocery store or general store designated by the commission as a retail distributor of alcoholic liquor for the West Virginia liquor control commission.

“Department” shall mean the organization through
which the commission exercises powers imposed upon it by this chapter.

"Commission" shall mean the West Virginia liquor control commission.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris  
Chairman Senate Committee

Jude Nagle  
Chairman House Committee

Originated in the Senate

Takes effect July 1, 1945

S. H. Wagner  
Clerk of the Senate

O. G. Whipp  
Clerk of the House of Delegates

Harold W. Viker  
President of the Senate

John P. Connell  
Speaker House of Delegates

The within is approved this the 27th day of February, 1945.

Governor.

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

Min. S. B. REID,  
Secretary of State