WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

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ENROLLED

HOUSE BILL No. 1954

(By Mrs. Martin, 27th Dist. & Mrs. Theibod)

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Passed .......... March 11 .......... 1982

In Effect Ninety Days From Passage
AN ACT to amend article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-b, relating to nonintoxicating beer; providing for special event licenses to permit charitable organizations to sell, give or dispense nonintoxicating beer during private or public events; requiring the nonintoxicating beer commissioner to promulgate reasonable rules and regulations for administration of section; prohibiting sales to certain persons; setting a license fee; requiring compliance with laws and rules and regulations; establishing penalty in addition to other penalties set forth in article; providing for emergency order suspending licenses.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-b, to read as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-12b. Special event licenses for charitable organizations; requirements; restrictions; commissioner to promulgate rules and regulations.

(a) Notwithstanding any provision of this code to the contrary, charitable not-for-profit organizations which are or-
2 organized for benevolent, educational, philanthropic, recreation-
al, humane, patriotic, civic, fraternal or religious purposes
in the state for at least two years prior to the date of ap-
application may apply to the nonintoxicating beer commissioner
for special event licenses to purchase or receive at wholesale
or otherwise and to sell, give or dispense nonintoxicating beer
during private or public occasions, celebrations or fund-raising
and other events for consumption by its members, their guests
or the general public at the location or locations of such
occasions, celebrations or events, whether such occasions,
celebrations or events are held indoors or out-of-doors or on
private or public property.

(b) The special event license issued to the licensee shall
be posted at the licensee’s regular meeting place. True copies
of the license shall be posted at each location where non-
intoxicating beer is sold, given or dispensed. The license
issued to the licensee shall be returned to the nonintoxicating
beer commissioner within fifteen calendar days of the final
day of the licensee’s authority to sell, give or dispense non-
intoxicating beer.

(c) An organization shall name in its application the date
or dates and the locality of the occasion, celebration or event
for which each license is sought. No special event license
may authorize a licensee to sell, give or dispense nonintoxicat-
ing beer at more than one occasion, celebration or event or
for a period exceeding fourteen consecutive days.

(d) Nonintoxicating beer may not be sold, given or dis-
pensed by a licensee to any insane person, or to any habitual
drunkard, or to any person under the age of eighteen years.

(e) A license fee of twenty-five dollars shall be collected
by the nonintoxicating beer commissioner before issuance of
each special event license.

(f) The nonintoxicating beer commissioner shall promul-
gate reasonable rules and regulations prescribing the form and
content of applications for special event licenses, requiring
the posting of a cash bond in the amount of two hundred
dollars, conditioned upon substantial and material compliance
by the licensee with the provisions of this article and rules
and regulations promulgated hereunder, and establishing pro-
cedures and requirements for administration of the provisions
of this section. The nonintoxicating beer commissioner shall
promulgate such rules and regulations and administer the
provisions of this section in accordance with the provisions
of chapter twenty-nine-a of this code.

(g) Licensees shall comply with all laws and rules and
regulations promulgated by the nonintoxicating beer com-
missioner regulating the sale, gift or dispensing of nonintoxicat-
ing beer by retail licensees.

(h) In addition to any other penalties set forth in this
article, the nonintoxicating beer commissioner may deny, sus-
pend, revoke or make provisional a special event license for
any organization which substantially violates a material re-
quirement of any provision of this section or this article or
any such rules or regulations promulgated under this section
or article.

(i) An emergency order immediately suspending a special
event license may be issued by the nonintoxicating beer com-
missioner when it is found that a licensee has or is likely to
violate this article or rules or regulations promulgated here-
under or when such action is necessary for the immediate
preservation of the public peace, health, safety, morals, good
order or general welfare. The emergency order shall set
forth the grounds upon which it is issued, including a state-
ment of facts constituting the alleged emergency necessitating
such action. The order shall be served by personal or sub-
stituted service on the licensee or the person who applied
for the license on behalf of the licensee. The order is effec-
tive upon issuance and service. Within five days after issu-
ance of the order, the nonintoxicating beer commissioner
shall set a time and place for a hearing wherein the licensee
may appear and show cause why its license should not be
revoked.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is disapproved this the 31st day of March, 1982.

Governor