

HB 2719
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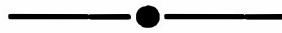
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2009 APR 30 PM 4:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009

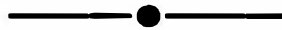


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2719

(By Delegates Morgan and Doyle)



Passed April 10, 2009

In Effect Ninety Days from Passage

ENROLLED FILED

COMMITTEE SUBSTITUTE 2009 APR 30 PM 4: 48

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2719

(BY DELEGATES MORGAN AND DOYLE)

[Passed April 10, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §11-16-3 of the Code of West Virginia, 1931, as amended, relating to “nonintoxicating beer”; defining “nonintoxicating craft beer”; including “nonintoxicating craft beer with the definition of “nonintoxicating beer”; and increasing the maximum alcohol level in the stated definition of “nonintoxicating beer.”

Be it enacted by the Legislature of West Virginia:

That §11-16-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

- 1 For the purpose of this article, except where the context
- 2 clearly requires differently:

3 (1) "Brewer" or "manufacturer" means any person, firm,
4 association, partnership or corporation manufacturing,
5 brewing, mixing, concocting, blending, bottling or otherwise
6 producing or importing or transshipping from a foreign
7 country nonintoxicating beer for sale at wholesale to any
8 licensed distributor.

9 (2) "Brewpub" means a place of manufacture of
10 nonintoxicating beer owned by a resident brewer, subject to
11 federal regulations and guidelines, a portion of which
12 premises are designated for retail sales.

13 (3) "Commissioner" means the West Virginia Alcohol
14 Beverage Control Commissioner.

15 (4) "Distributor" means and includes any person jobbing
16 or distributing nonintoxicating beer to retailers at wholesale
17 and whose warehouse and chief place of business shall be
18 within this state.

19 (5) "Nonintoxicating beer" means all cereal malt
20 beverages or products of the brewing industry commonly
21 referred to as beer, lager beer, ale and all other mixtures and
22 preparations produced by the brewing industry, including
23 malt coolers and nonintoxicating craft beers containing at
24 least one half of one percent alcohol by volume, but not more
25 than nine and six-tenths of alcohol by weight, or twelve
26 percent by volume, whichever is greater, all of which are
27 hereby declared to be nonintoxicating and the word "liquor"
28 as used in chapter sixty of this code shall not be construed to
29 include or embrace nonintoxicating beer nor any of the
30 beverages, products, mixtures or preparations included within
31 this definition.

32 (6) "Nonintoxicating craft beer" means any beverage
33 obtained by the fermentation of barley, malt, hops or any

34 other similar product or substitute and containing not less
35 than one half of one percent by volume and not more than
36 twelve percent alcohol by volume or nine and six tenths
37 percent alcohol by weight.

38 (7) "Original container" means the container used by the
39 brewer at the place of manufacturing, bottling or otherwise
40 producing nonintoxicating beer for sale at wholesale.


41 (8) "Person" means and includes an individual, firm,
42 partnership, limited partnership, association or corporation.

43 (9) "Resident brewer" means any person, firm,
44 association, partnership, or corporation whose principal place
45 of business is within the state.

46 (10) "Retailer" means any person selling, serving, or
47 otherwise dispensing nonintoxicating beer and all products
48 regulated by this article, including, but not limited to, any
49 malt cooler, at his or her established and licensed place of
50 business.

51 (11) "Tax Commissioner" means the Tax Commissioner
52 of the State of West Virginia or the commissioner's designee.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

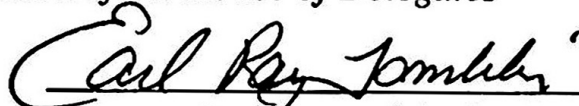
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 29 2009

Time 11:35 am