ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 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:
(1) "Brewer" or "manufacturer" means any person, firm, association, partnership or corporation manufacturing, brewing, mixing, concocting, blending, bottling or otherwise producing or importing or transshipping from a foreign country nonintoxicating beer for sale at wholesale to any licensed distributor.

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

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

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

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

(6) "Nonintoxicating craft beer" means any beverage obtained by the fermentation of barley, malt, hops or any
other similar product or substitute and containing not less than one half of one percent by volume and not more than twelve percent alcohol by volume or nine and six tenths percent alcohol by weight.

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

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

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

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

(11) "Tax Commissioner" means the Tax Commissioner 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