

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 457

BY SENATOR BARRETT

[Passed March 9, 2023; in effect 90 days from
passage (June 7, 2023)]

FILED

2023 MAR 23 P 3:41

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB 457

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 457

BY SENATOR BARRETT

[Passed March 9, 2023; in effect 90 days from
passage (June 7, 2023)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2023 MAR 23 P 3:41

FILED

1 AN ACT to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating
2 to removing gambling and use of gaming devices from definition of activities Alcohol
3 Beverage Control Commission licensee is prohibited to permit on licensee's private club
4 premises.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

1 (a) It is unlawful for any licensee, or agent, employee, or member thereof, on such
2 licensee's premises to:

3 (1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured
4 from the original package or container, except as authorized in §60-6-8 of this code;

5 (2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper
6 entertainment, conduct, or practice. A private resort hotel holding a license issued pursuant to
7 §60-7-1 *et seq.* of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic
8 liquors in or on the premises licensed under §29-22A-1 *et seq.* and §29-22C-1 *et seq.*, or §29-25-
9 1 *et seq.* of this code, during hours of operation authorized by §29-22A-1 *et seq.* and §29-22C-1
10 *et seq.*, or §29-25-1 *et seq.* of this code.

11 (3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating
12 beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine,
13 or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

14 (4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating
15 beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent,
16 or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer,
17 wine, or alcoholic liquor or the use of drugs;

18 (5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any
19 licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m.

20 and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and
21 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday;
22 and

23 (6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating
24 beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of
25 age;

26 (7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand
27 name of any alcoholic liquor;

28 (8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or
29 approved dues-paying member in good standing of the private club or a guest of the member;

30 (9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide,
31 cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as
32 authorized by the commissioner;

33 (10)(A) Employ any person who is younger than 16 years of age in a position where the
34 primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating
35 beer, wine, or alcoholic liquors to any person;


36 (B) Employ any person who is between 16 years of age and younger than 21 years of age
37 who is not directly supervised by a person aged 21 or over in a position where the primary
38 responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer,
39 wine, or alcoholic liquors to any person; or

40 (11) Violate any reasonable rule of the commissioner.

41 (b) It is lawful for any licensee to advertise price and brand in any news media or other
42 means, outside of the licensee's premises.

43 (c) Any person who violates any of the provisions of this section is guilty of a misdemeanor
44 and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or
45 imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

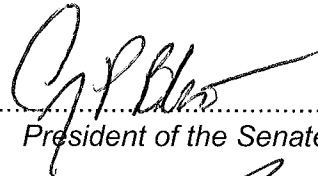

Clerk of the Senate


Clerk of the House of Delegates

Originated in the Senate.

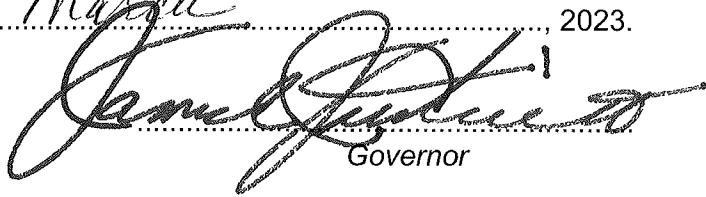
In effect 90 days from passage.

FILED
2023 MAR 23 P 3:41
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE


President of the Senate


Speaker of the House of Delegates

The within is approved this the 23rd
Day of March, 2023.


Governor

PRESENTED TO THE GOVERNOR

MAR 13 2023

Time 1:08 pm