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West Virginia Governor Signs Craft Beer Reform Bill

A new West Virginia law aims to foster the growth and expansion of the craft beer industry while eliminating certain burdensome regulatory requirements. On March 26, 2019, Governor Jim Justice signed [Senate Bill 529](#) enacting the changes and reforms made to previous craft beer legislation. SB 529 is now slated to take effect 90 days from passage.

Effective June 6, 2019, SB 529:

- Increases the maximum alcohol by volume (ABV) content from 12.0% to 15.0%;
- Increases the maximum size for growlers to 128 ounces;
- Removes the prior limitation on daily sales of growlers from a maximum of two gallons per patron per day (prior limits allowed two growlers or four howlers);
- Creates a temporary one-day floor extension to an existing license for certain retailers to provide craft beer events on adjacent spaces (either indoors or outdoors);
- Allows complimentary sampling by certain growler licensees;
- Imposes a maximum 30-day period for approval or denial of a clean license application by the Commissioner of the Alcohol Beverage Control Administration (ABCA) And provides for a reactivation fee for licenses which were not timely filed;
- Allows certain retailers to deliver beer to customers in the adjacent parking lot (allows grocery chains that provide food pre-order services to deliver beer to the customer outside);
- Requires brewers to get a permit for their trucks transporting their beer;
- Requires craft brewers to register their representatives;
- Creates a new special license for one-day charitable events called a Class S-1 Special Events License which will support smaller charitable beer events (regular Class S licenses are still available for non-charitable events); and

- Eliminates bond required for brewers, resident brewers, distributors, and brew pubs.

These changes were advanced by a broad collation of stakeholders, including craft brewers, distilleries, retailers, distributors and craft beer enthusiasts alike, and are the most significant changes to the licensure and regulatory requirements for craft beer since 2015 when the ["Growler Bill" was passed](#).

[Recent newspaper articles](#) describe craft brewers and distilleries are excited about the prospects of further expansion in the industry. The Brewers Association reports the estimated impact of the craft beer industry in West Virginia in 2017 was over \$300 million. To further boost these efforts, the Appalachian Regional Commission awarded a grant to the Robert C. Byrd Institute (RCBI), who will administer the grant in conjunction with the Charleston Area Alliance, Putnam County Economic Development Authority, Huntington Area Development Corporation, Huntington Regional Chamber of Commerce, BridgeValley Community and Technical College, and the Marshall University Research Corporation to support a proposed craft beer and spirits trail in Cabell, Putnam, Roane, Jackson and Kanawha Counties.

[Frost Brown Todd attorneys will be participating in a symposium to discuss these efforts](#) on April 8, 2019 in South Charleston.

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