



Mar 10, 2020

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West Virginia Advances Craft Spirits Laws

Initially, there were no less than 26 bills circulating through various committees in the 2020 West Virginia Legislature to address proposed changes in the laws governing craft breweries, distilleries, cideries, wineries and retailers. Over the last week, these bills were whittled down to 12 surviving bills, and during the last night of the 2020 legislative session, the following bills were passed by the 2020 legislature, advancing the nascent craft spirits industry:

- **House Bill 3098** – Allows the same owner to obtain licenses to distill liquor and to brew beer.
- **House Bill 4159** (The Hard Cider Bill) – Sets up a separate class of farm winery to produce a newly defined hard cider, which will be exempt from the liter tax but will now be subject to a new tax on hard cider (which will be used to promote the growth of cider apple orchards in West Virginia). Hard cideries will also be allowed to get a permit to import apples in the interim periods. There are several other adjustments to laws governing the production of hard cider in West Virginia.
- **House Bill 4388** – Adjusts current restrictions on advertising for those involved in the manufacture of alcoholic products. The new law limits the ability of the ABCA Commissioner to restrict advertising, equipment or services provided to licensees.
- **House Bill 4524** – Declares the whole State of West Virginia as “wet” — currently replacing the thirteen areas of the state that are “dry” (prohibiting the sale of liquor) but allowing counties that choose to opt out of the wet status and become dry. The bill also allows any municipalities or magisterial districts located within counties that declare dry status to further elect to continue to be wet on a smaller regional basis.
- **House Bill 4560** – Authorizes limited deliveries of wine in gift baskets by wine specialty shops with certain restrictions.

- **House Bill 4697** – Removes the requirement that mini-distilleries must use raw agricultural products produced on the premises.
- **House Bill 4882** – Adds authority for unlicensed wineries to get approval for sales for off-premises consumption and for sampling at fairs and festivals.
- **Senate Bill 610** – Removes the “resident manager” requirement for resident brewers, replacing it with a manager status for brewers that do not have to be West Virginia residents. Note: This change was intended to comply with a recent United States Supreme Court case (but perhaps does not go far enough).

The new laws passed in 2020 reveal the broadest changes in the state’s alcohol laws since 2015, indicating broad support for the growing industry at all levels and a willingness of various stakeholders to collaboratively rewrite portions of the law to develop a gradually more progressive scheme of alcohol laws. These changes should also be helpful to support economic growth in other areas such as agriculture and tourism. For more information about the evolving regulatory regime for brewers, distillers and retailers in West Virginia, contact [Chuck Johnson](#) of Frost Brown Todd’s [Consumable Goods](#) team.

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