

HOUSE BILL NO. HB0159

Liquor manufacturer regulations.

Sponsored by: Representative(s) Duncan, Bear, Burkhart,
Clifford, Olsen and Western and Senator(s)
Pappas

A BILL

for

1 AN ACT relating to the regulation of alcoholic liquor;
2 amending the number of satellite locations for liquor
3 manufacturers; authorizing the shipment of distilled or
4 rectified alcoholic liquor by licensed manufacturers to
5 households; providing for the regulation of shipments;
6 making conforming amendments; and providing for an
7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 12-2-205 is created to read:

12

13 **12-2-205. Out-of-state shipment of distilled or**
14 **rectified alcoholic liquor; license; fees; restrictions;**
15 **conditions.**

1

2 (a) Notwithstanding any law, rule or regulation to
3 the contrary, any person currently licensed in its state of
4 domicile as an alcoholic liquor manufacturer who obtains an
5 out-of-state shipper's license, as provided in this
6 section, may ship to households in this state any distilled
7 or rectified alcoholic liquor which is not listed with the
8 division as part of its inventory and distribution
9 operation.

10

11 (b) Before sending any shipment of distilled or
12 rectified alcoholic liquor to a household in this state,
13 the out-of-state shipper shall:

14

15 (i) File an application with the division;

16

17 (ii) Pay a license fee of fifty dollars (\$50.00)
18 to the division;

19

20 (iii) Provide a true copy of its current
21 alcoholic liquor manufacturer's license issued in its state
22 of domicile to the division;

23

1 (iv) Provide other information as may be
2 required by the division; and

3

4 (v) Obtain from the division an out-of-state
5 shipper's license, after the division conducts any
6 investigation it deems necessary.

7

8 (c) Any out-of-state shipper licensed pursuant to
9 this section shall:

10

11 (i) Not ship more than a total of twenty (20)
12 liters of distilled or rectified alcoholic liquor to any
13 one (1) household in this state during any twelve (12)
14 month period;

15

16 (ii) Ship distilled or rectified alcoholic
17 liquor only to individuals who are at least twenty-one (21)
18 years of age;

19

20 (iii) Ship distilled or rectified alcoholic
21 liquor for individuals' personal use and not for resale;

22

1 (iv) Not ship any malt beverage to any household
2 in this state;

3

4 (v) Ensure that all shipping containers of
5 distilled or rectified alcoholic liquor shipped pursuant to
6 this section are conspicuously labeled with the words:
7 "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE
8 REQUIRED FOR DELIVERY";

9

10 (vi) Ensure that all shipments into this state
11 are made by a duly licensed carrier and further ensure that
12 the carrier complies with the requirement to obtain an
13 adult signature;

14

15 (vii) Remit to the division a tax equal to the
16 maximum percentage of profit established in W.S.
17 12-2-303(a) applied to the retail price for each shipment
18 of distilled or rectified alcoholic liquor to a household
19 in this state. Each out-of-state shipper shall file a
20 monthly report with the division and include a copy of the
21 invoice for each shipment of distilled or rectified
22 alcoholic liquor and remit any tax due. The report shall be
23 filed with the division not later than the tenth day of

1 each month following the month in which the shipment was
2 made. Any report filed late with the division shall be
3 subject to a late filing fee of twenty-five dollars
4 (\$25.00);

5

6 (viii) Maintain records for at least three (3)
7 years that will permit the division to ascertain the
8 truthfulness of the information filed and permit the
9 division to perform an audit of the licensee's records upon
10 reasonable request; and

11

12 (ix) Be deemed to have consented to the personal
13 jurisdiction of the division, any other applicable state
14 agency and the courts of this state for purposes of
15 enforcement of this section and any related laws, rules or
16 regulations.

17

18 (d) The out-of-state shipper license shall be valid
19 for twelve (12) months. An out-of-state shipper may
20 annually renew its license with the division by paying a
21 renewal fee of fifty dollars (\$50.00), providing a true
22 copy of its current alcoholic liquor manufacturer's license

1 issued in its state of domicile and further providing other
2 information as may be required by the division.

3

4 (e) Any person who makes, participates in,
5 transports, imports or receives a shipment in violation of
6 this section is guilty of a misdemeanor. Each shipment
7 shall constitute a separate offense. Where the person holds
8 an out-of-state shipper's license, license suspension or
9 revocation may be in addition to or in lieu of the
10 foregoing penalties.

11

12 **Section 2.** W.S. 12-2-203(g)(i), (h)(intro) and by
13 creating new subsections (j) and (k) and 12-2-303(d) are
14 amended to read:

15

16 **12-2-203. Manufacturing and rectifying; importing and**
17 **industry representatives; licensing; fees.**

18

19 (g) The local licensing authority may issue to the
20 holder of a manufacturer's license granted under subsection
21 (a) of this section who is a federally licensed distiller
22 or rectifier:

23

1 (i) A satellite manufacturer's permit which
2 allows the permittee to sell product manufactured at the
3 site identified on the manufacturer's license at not more
4 than ~~one (1)~~ two (2) satellite ~~location~~ locations within
5 Wyoming separate from its manufacturing site under the
6 original permit. Products sold at a manufacturer's
7 satellite location may be obtained through the division as
8 provided by W.S. 12-2-303(a). If the satellite location is
9 situated within the property boundary of the manufacturing
10 site, the product may be distributed directly from the
11 permit holder's manufacturing site subject to W.S.
12 12-2-303(d). The satellite manufacturer's permit may be
13 issued on application to the appropriate licensing
14 authority. The local licensing authority may require a
15 public hearing and the payment of an additional permit fee
16 not to exceed one hundred dollars (\$100.00). The satellite
17 manufacturer's permit shall be subject to the terms and
18 conditions of W.S. 12-4-106, the schedule of operating
19 hours set pursuant to W.S. 12-5-101 and the licensed
20 building provisions pursuant to W.S. 12-5-201;

21

22 (h) For purposes of subsections (a), (f), ~~and (g)~~,
23 (j) and (k) of this section:

1

2 (j) Notwithstanding W.S. 12-5-201, any holder of a
3 manufacturer's license under subsection (a) of this section
4 who is a federally licensed distiller or rectifier may sell
5 and ship its manufactured alcoholic liquor that is not
6 listed with the division as part of its inventory directly
7 to households in this state or any of its manufactured
8 alcoholic liquor to households in other states when
9 authorized by law. A licensee shall:

10

11 (i) Not ship more than a total of twenty (20)
12 liters of its manufactured alcoholic liquor to any one (1)
13 household in this state during any twelve (12) month
14 period;

15

16 (ii) Ship its manufactured alcoholic liquor only
17 to individuals who are at least twenty-one (21) years of
18 age for those individuals' personal use and not for resale;

19

20 (iii) Ensure that all shipping containers of
21 manufactured alcoholic liquor shipped pursuant to this
22 subsection are conspicuously labeled with the words:

1 "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE
2 REQUIRED FOR DELIVERY";

3

4 (iv) Ensure that all shipments made pursuant to
5 this subsection are made by a duly licensed carrier and
6 further ensure that the carrier complies with the
7 requirement to obtain an adult signature;

8

9 (v) File a monthly report of manufactured
10 alcoholic liquor shipped out-of-state on a form provided by
11 the division and include a copy of the invoice for each
12 shipment of their manufactured alcoholic liquor subject to
13 the following:

14

15 (A) The report shall be filed with the
16 division not later than the tenth day of each month
17 following the month in which the shipment was made;

18

19 (B) Any report filed late with the division
20 shall be subject to a late filing fee of twenty-five
21 dollars (\$25.00).

22

1 (vi) Maintain records for at least three (3)
2 years that will permit the division to ascertain the
3 truthfulness of the information filed and permit the
4 division to perform an audit of the licensee's records upon
5 reasonable request.

6
7 (k) Any person who makes, participates in,
8 transports, imports or receives a shipment in violation of
9 subsection (j) this section is guilty of a misdemeanor.
10 Each shipment shall constitute a separate offense. Where
11 the person holds a manufacturer's license under subsection
12 (a) of this section, license suspension or revocation may
13 be in addition to or in lieu of the foregoing penalties.

14
15 **12-2-303. Purchase and sale of alcoholic liquors;**
16 **shortages.**

17
18 (d) The holder of a manufacturer's license under W.S.
19 12-2-203(a) that sells alcoholic liquor not obtained
20 through the division as provided in W.S. 12-2-203(g) or
21 12-2-203(j) shall, before the transfer of the product to
22 ~~the~~ a satellite location or the shipment of the product to
23 a household, as applicable, remit to the division an

1 assessment in an amount equal to the profit allowed under
2 subsection (a) of this section and the associated excise
3 tax assessed under W.S. 12-3-101 that would have been
4 received by the division had the holder of a manufacturer's
5 license first obtained the alcoholic liquor from the
6 division as provided in subsection (a) of this section. The
7 department shall by rule define the procedure under which a
8 holder of a manufacturer's license shall report and remit
9 the assessment under this subsection.

10

11 **Section 3.** This act is effective July 1, 2021.

12

13

(END)