

SENATE FILE NO. SF0062

Homemade beverages.

Sponsored by: Senator(s) Kinskey, Burns and Wasserburger
and Representative(s) Blackburn, Hunt,
Lindholm, Madden and Miller

A BILL

for

1 AN ACT relating to alcoholic beverages; authorizing events
2 related to consumption of homemade beer, mead, wine and
3 fermented fruit juices as provided; providing exemptions to
4 penalties related to the manufacture and sale of homemade
5 beer, mead, wine and fermented fruit juices; providing
6 definitions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 12-10-102 is created to read:

11

12 **12-10-102. Homemade beverage tastings.**

13

14 (a) In addition to any other privilege granted to a
15 licensee under this title, a licensee may conduct an

1 organized judging, tasting, exhibition, contest or
2 competition of homemade beers, meads, wines or fermented
3 fruit juices, or related events, at the premises or
4 location where the licensee may legally serve alcoholic
5 beverages. The local licensing authority may restrict the
6 portion of the premises that may be used for the judging,
7 tasting, exhibition, contest, competition or related event.
8 Homemade beers, meads, wines or fermented fruit juices
9 provided at an event under this subsection shall not be
10 provided for financial consideration.

11

12 (b) A licensee shall not acquire any ownership
13 interest in homemade beers, meads, wines or fermented fruit
14 juices stored for any period to be provided at an event
15 under this section. The homemade beers, meads, wines and
16 fermented fruit juices stored for the event shall be
17 clearly identified and shall be kept separate from the
18 alcoholic and malt beverage stock of the licensee. Nothing
19 in this subsection shall prohibit a licensee from using
20 homemade beers, meads, wines and fermented juices in
21 conducting an organized event under subsection (a) of this
22 section.

23

1 (c) As used in this section:

2

3 (i) "Financial consideration" means value that
4 is given or received directly or indirectly through sales,
5 fees, charges, dues, contributions or donations. "Financial
6 consideration" shall not include:

7

8 (A) A tax deduction or credit for donating
9 beer, mead, wine or fermented fruit juice to a nonprofit
10 organization;

11

12 (B) An event admission charge, cover charge
13 or club or organization dues, if the amount of the charge
14 or dues is independent of the amount of beer, mead, wine or
15 fermented fruit juice to be provided or consumed at the
16 event or through club or organization activities;

17

18 (C) A prize awarded at a state or county
19 fair or other organized judging, tasting, exhibition,
20 contest or competition event at which consumption of a
21 submitted beer, mead, wine or fermented fruit juice is
22 offered without charge and only by the entrants, judges,
23 exhibitors, contestants or competitors;

1

2 (D) The receipt of homemade beer, mead,
3 wine or fermented fruit juice manufactured by another
4 person;

5

6 (E) The receipt of beer, mead, wine or
7 fermented fruit juice ingredients;

8

9 (F) Wages and salaries paid by an
10 educational organization for teaching brewing, winemaking,
11 fermentation science or fermentation processes.

12

13 (ii) "Homemade" means made for noncommercial
14 purposes;

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16 (iii) "Noncommercial" means not dependent or
17 conditioned upon the provision or receipt of financial
18 consideration.

19

20 **Section 2.** W.S. 12-1-101(a)(xxiv), 12-2-201(b),
21 12-3-102, 12-4-502(a) and (c), 12-8-102 and 35-7-124 by
22 creating a new subsection (j) are amended to read:

23

1 **12-1-101. Definitions.**

2

3 (a) As used in this title:

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5 (xxiv) "This title" means W.S. 12-1-101 through

6 ~~12-10-101~~ 12-10-102;

7

8 **12-2-201. Wholesale license for sale of malt**
9 **beverages only; fee.**

10

11 (b) Each applicant shall submit to the commission a
12 statement under oath designating clearly the geographical
13 territory within which the applicant will sell and deliver
14 malt beverages to qualified retail liquor and malt beverage
15 licensees or permittees only. The territory is to be that
16 designated by the brewer or brewer's authorized agent whose
17 product the applicant sells. The application shall state
18 that malt beverages sold by the applicant may be purchased
19 by all retail liquor licensees or malt beverage permittees,
20 and that the applicant will maintain a warehouse and
21 delivery facilities within the territory designated. This
22 subsection does not apply to homemade beverages provided
23 under W.S. 12-10-102 or to a licensed malt beverage

1 wholesaler when there has been no territorial designation
2 of a brand by a brewer or the brewer's authorized agent to
3 another licensed wholesaler. The commission may authorize a
4 licensed wholesaler to annually purchase not more than one
5 hundred fifteen (115) gallons of any unassigned brand. A
6 retail liquor licensee or malt beverage permittee shall
7 purchase all malt beverages for retail sale only from a
8 Wyoming wholesale malt beverage licensee.

9

10 **12-3-102. Confiscation authorized; disposition; when**
11 **seizure permitted.**

12

13 (a) When an authorized inspector discovers alcoholic
14 liquors or malt beverages upon which excise taxes have not
15 been paid in the possession of a licensee, he shall take
16 possession of and hold the alcoholic liquors or malt
17 beverages as evidence against the offender. If the offender
18 is convicted of a violation of W.S. 12-3-101, the court
19 shall order that the untaxed liquor or beverage be
20 delivered to the commission, if merchantable, where it will
21 be added to its stock and sold in the usual course of
22 business. If the liquors or beverages are determined to be
23 nonmerchantable, the court shall order their destruction.

1 This subsection shall not apply to homemade beverages that
2 are provided in accordance with an event under W.S.
3 12-10-102, provided that the beverages shall be removed
4 from the premises within twenty-four (24) hours following
5 the end of the event.

6
7 (b) Whenever an inspector, agent or employee of the
8 commission or any peace officer of the state lawfully
9 discovers alcoholic liquors or malt beverages which have
10 been unlawfully imported or transported, he may seize the
11 alcoholic liquor or malt beverage and packages in which
12 they are contained for use as evidence and shall not be
13 removed from state control upon writ of replevin or other
14 like process. Nothing in this section shall apply to the
15 transportation of homemade beverages to or from an event
16 held pursuant to W.S. 12-10-102.

17
18 **12-4-502. Twenty-four hour malt beverage permit and**
19 **catering permit; restrictions; application procedure; fees.**

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21 (a) A malt beverage permit authorizing the sale of
22 malt beverages only may be issued by the appropriate
23 licensing authority to any responsible person or

1 organization for sales at a picnic, bazaar, fair, rodeo,
2 special holiday or similar public gathering or for homemade
3 beverages provided at an event held pursuant to W.S.
4 12-10-102. No person or organization holding the special
5 permit shall sell any alcoholic liquor other than malt
6 beverages on the premises described on the permit, nor
7 shall any malt beverage be sold or consumed off the
8 premises authorized by the permit. W.S. 12-5-201 does not
9 apply to this subsection.

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11 (c) The permits authorized by this section shall be
12 issued for one (1) twenty-four (24) hour period, subject to
13 the schedule of operating hours provided by W.S. 12-5-101.
14 No person or organization shall receive more than a total
15 of twelve (12) malt beverage and twenty-four (24) catering
16 permits for sales at the same premises in any one (1) year,
17 except that this limitation shall not be applicable to malt
18 beverage permits issued for sales at any fair, rodeo,
19 pari-mutuel event or other similar public event or for
20 homemade beverages provided at an event held pursuant to
21 W.S. 12-10-102 conducted by a public entity upon public
22 premises, or to catering permits for events at the

1 facilities of the University of Wyoming in Laramie,
2 including the Marian H. Rochelle Gateway Center.

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4 **12-8-102. Manufacturing, rectifying or sale without**
5 **license or permit; penalties.**

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7 (a) Any person who manufactures or rectifies any
8 alcoholic beverage without holding a manufacturer's license
9 or who possesses a still without holding a manufacturer's
10 license is guilty of a misdemeanor punishable by a fine of
11 not more than one thousand dollars (\$1,000.00),
12 imprisonment for not more than one (1) year, or both. Any
13 equipment possessed and used in an illegal manner shall be
14 confiscated by the state and disposed of as directed by the
15 court. Nothing in this subsection shall ~~prohibit any person~~
16 ~~from manufacturing fermented or malt beverages in limited~~
17 ~~quantities for his sole personal consumption.~~ apply to the
18 manufacture of homemade beer, mead, wine and fermented
19 fruit juice if the total of beer, mead, wine and fermented
20 fruit juice produced during a calendar year does not
21 exceed:

22

1 (i) One hundred (100) gallons in a household
2 having one (1) person who is twenty-one (21) years of age
3 or older; or

4
5 (ii) Two hundred (200) gallons in a household
6 having two (2) or more persons who are twenty-one (21)
7 years of age or older.

8
9 (b) Except as otherwise provided in W.S. 12-10-102,
10 any person who sells any alcoholic liquor or malt beverage
11 without holding a license or permit authorizing the sale is
12 guilty of a misdemeanor punishable by a fine of not more
13 than one thousand dollars (\$1,000.00), imprisonment for not
14 more than one (1) year, or both.

15
16 **35-7-124. License required; exemptions; electronic**
17 **transmittals.**

18
19 (j) The provisions of subsection (a) of this section
20 shall not apply to homemade beverages provided at an event
21 held pursuant to W.S. 12-10-102.

22

1 **Section 3.** This act is effective July 1, 2016.

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(END)