

SENATE FILE NO. SF0045

Liquor dispensing rooms.

Sponsored by: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to alcoholic beverages; removing  
2 restriction and fee on number of dispensing rooms in which  
3 alcoholic and malt beverages may be sold; repealing  
4 issuance of temporary permits for licensees to sell  
5 alcoholic or malt beverages in additional dispensing rooms;  
6 providing for the sale of alcoholic and malt beverages  
7 anywhere in a licensed building as specified; modifying  
8 where a club holding a limited retail license may sell  
9 alcoholic or malt beverages; creating an offense for  
10 underage persons who enter or remain in establishments that  
11 are primarily for off-premise sales of alcoholic or malt  
12 beverages as specified; repealing restriction on minors in  
13 rooms where alcoholic or malt beverages are sold as  
14 specified; conforming provisions; repealing rulemaking  
15 requirements; and providing for an effective date.

1

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

3

4       **Section 1.** W.S. 12-2-203(f) and (g), 12-4-102(a)(i),  
5 12-4-103(a)(iii), 12-4-104(a), 12-4-301(c), 12-4-410(a),  
6 (b) and by creating a new subsection (f), 12-4-412(d),  
7 12-4-413(f), 12-4-501(c)(i), (iii)(intro) and (iv),  
8 12-4-502(a), 12-4-702(b)(ii) and (c), 12-5-201(a), (e)  
9 through (j), (k)(intro), (i), (ii) and by creating a new  
10 subsection (m), 12-5-202, 12-5-301(a)(intro),  
11 12-6-101(c)(iv), (v) and by creating a new paragraph (vi)  
12 and 12-6-103(d)(v) are amended to read:

13

14       **12-2-203. Manufacturing and rectifying; importing and**  
15 **industry representatives; licensing; fees.**

16

17       (f) A holder of a manufacturer's license under  
18 subsection (a) of this section who is a federally licensed  
19 distiller or rectifier may dispense free of charge on-site  
20 samples in quantities not to exceed one and one-half (1.5)  
21 ounces of their manufactured product and no more than two  
22 (2) samples per consumer per day. The dispensing of  
23 samples shall be subject to the schedule of operating hours

1 provided in W.S. 12-5-101 and the ~~dispensing room~~licensed  
2 building provisions provided in W.S. 12-5-201.

3

4 (g) The local licensing authority may issue to the  
5 holder of a manufacturer's license under subsection (a) of  
6 this section who is a federally licensed distiller or  
7 rectifier, a satellite manufacturer's permit which allows  
8 the permittee to sell its manufactured product at not more  
9 than one (1) satellite location within Wyoming separate  
10 from its manufacturing site under the original permit. All  
11 products sold at a manufacturer's satellite location shall  
12 be obtained through the division. The satellite  
13 manufacturer's permit may be issued on application to the  
14 appropriate licensing authority. The local licensing  
15 authority may require a public hearing and the payment of  
16 an additional permit fee not to exceed one hundred dollars  
17 (\$100.00). The satellite manufacturer's permit shall be  
18 subject to the terms and conditions of W.S. 12-4-106, the  
19 schedule of operating hours provided in W.S. 12-5-101 and  
20 the ~~dispensing room~~licensed building provisions pursuant  
21 to W.S. 12-5-201.

22

1           **12-4-102. Application for licenses and permits;**  
2 **contents; signature and verification.**

3  
4           (a) Any person desiring a license or permit  
5 authorized by this title shall apply to the appropriate  
6 licensing authority. The application shall be made under  
7 oath upon a form to be prepared by the attorney general and  
8 furnished to the licensing authority. The application shall  
9 be filed in the office of the clerk of the appropriate  
10 licensing authority and shall contain the following  
11 provisions:

12  
13           (i) The location ~~and a description~~ of the ~~room~~  
14 licensed building in which the applicant will sell under  
15 the license if the building is in existence at the time of  
16 application. If the building is not in existence, the  
17 location and an architect's drawing or suitable plans of  
18 the ~~room~~ licensed building and premises to be licensed;

19  
20           **12-4-103. Restrictions upon license or permit**  
21 **applicants and holders; license limitation per person.**

22

1           (a) A license or permit authorized by this title  
2 shall not be held by, issued or transferred to:

3  
4           (iii) Any person who does not own the building  
5 ~~in which the sales room is located~~ or hold a written lease  
6 for the period for which the license will be effective  
7 containing an agreement by the lessor that alcoholic or  
8 malt beverages may be sold upon the leased premises, except  
9 as provided by paragraph (iv) of this subsection. This  
10 paragraph shall not be interpreted to prevent the use of a  
11 resort liquor license by a contractor or subcontractor as  
12 permitted by W.S. 12-4-403(b);

13

14           **12-4-104. Publication of notice; grant or denial;**  
15 **renewal preference; copy of application and notice to**  
16 **division; judicial review.**

17

18           (a) When an application for a license, permit,  
19 renewal or any transfer of location or ownership thereof  
20 has been filed with a licensing authority, the clerk shall  
21 promptly prepare a notice of application, place the notice  
22 conspicuously upon the premises shown by the application as  
23 the proposed place of sale and publish the notice in a

1 newspaper of local circulation once a week for two (2)  
2 consecutive weeks. When a county is the licensing  
3 authority, the county clerk shall also post the notice on  
4 the official website of the county in the manner provided  
5 in W.S 18-3-516(f). When a city or town is the licensing  
6 authority, the city clerk shall also post the notice on the  
7 city or town's official website if one exists. The notice  
8 shall state that a named applicant has applied for a  
9 license, permit, renewal or transfer thereof, and that  
10 protests against the issuance, renewal or transfer of the  
11 license or permit will be heard at a designated meeting of  
12 the licensing authority. Each applicant shall, at the time  
13 of filing his application, pay the clerk an amount  
14 sufficient to cover the costs of publishing notice. Notices  
15 may be substantially in the following form:

16

17 NOTICE OF APPLICATION FOR A ....

18

19 Notice is hereby given that on the .... day of .... (year)  
20 (name of applicant) filed an application for a .... license  
21 (permit), in the office of the clerk of the city (or town  
22 or county) of .... for the following ~~described place (and~~  
23 ~~room)~~ licensed building (insert ~~description~~ address) and

1 protests, if any there be, against the issuance (transfer  
2 or renewal) of the license (permit) will be heard at the  
3 hour of ....M., on the .... day of .... (year), in the  
4 (meeting place of the governing body).

5

6 Dated ....

Signed ....

7

8 **12-4-301. Sales by clubs; license fees; petition;**  
9 **license restrictions.**

10

11 (c) Except as otherwise provided by W.S. 12-5-201(g),  
12 a club holding a limited retail license ~~shall not~~ may sell  
13 alcoholic or malt beverages for consumption anywhere ~~except~~  
14 ~~within~~ on the licensed premises ~~and~~ for consumption by its  
15 members and their accompanied guests only as approved by  
16 the local licensing authority. ~~It shall be the duty and~~  
17 ~~obligation of the club to check and regulate sales to~~  
18 ~~members and their accompanied guests to insure that all~~  
19 ~~alcoholic or malt beverages sold are consumed within the~~  
20 ~~building, space or premises.~~

21

22 **12-4-410. Sale of alcoholic beverages for**  
23 **off-premises consumption prohibited; location, regulation**

1 and restrictions on dispensing of liquor; prohibiting  
2 certain activities.

3  
4 (a) Except as provided in subsection (e) of this  
5 section, restaurant liquor licensees shall not sell  
6 alcoholic or malt beverages for off-premises consumption  
7 ~~off the premises~~ from the licensed building owned or leased  
8 by the licensee. Except as provided in subsections (b) and  
9 (e) of this section, alcoholic or malt beverages shall be  
10 served for on-premises consumption only in dining areas  
11 which are adequately staffed and equipped for all food  
12 services offered by the restaurant.

13

14 (b) Alcoholic and malt beverages shall be dispensed  
15 and prepared for consumption in one (1) room, and one (1)  
16 additional room if authorized and approved ~~as provided in~~  
17 ~~W.S. 12-5-201(a)~~ by the local licensing authority, upon the  
18 licensed premises separated from the dining area in which  
19 alcoholic and malt beverages may be served and in the case  
20 of a golf course upon which a restaurant liquor license is  
21 operational or in the case of a guest ranch upon which a  
22 retail or restaurant liquor license is operational, at  
23 dispensing areas on the premises of the golf course or

1 guest ranch as permitted by the licensing authority. No  
2 consumption of alcoholic or malt beverages shall be  
3 permitted within the dispensing room, nor shall any person  
4 other than employees over eighteen (18) years of age be  
5 permitted to enter the dispensing room. If a restaurant has  
6 a dispensing room separate from the dining area which is  
7 licensed prior to February 1, 1979 for purposes of  
8 alcoholic or malt beverage sales and consumption, the  
9 restaurant may dispense alcoholic or malt beverages in the  
10 separate dispensing room under a restaurant liquor license,  
11 and any person over eighteen (18) years of age is permitted  
12 to enter the separate dispensing room.

13

14 (f) For purposes of this section, "room" means, as  
15 approved by the local licensing authority, an enclosed and  
16 partitioned space within a building large enough for a  
17 person to enter but not a cabinet. Partitions may contain  
18 windows and doorways, but any partition shall extend from  
19 floor to ceiling.

20

21 **12-4-412. Microbrewery and winery permits;**  
22 **authorized; conditions; dual permits and licenses;**  
23 **satellite winery permits; direct shipment of wine; fees.**

1

2 (d) In addition to subsection (b) of this section,  
3 the local licensing authority may issue to the holder of a  
4 winery permit under this section a satellite winery permit  
5 which allows the permittee to sell its manufactured wine at  
6 up to three (3) satellite locations within Wyoming separate  
7 from its licensed manufacturing site under the original  
8 permit fee. The satellite winery permit may be issued on  
9 application to the appropriate licensing authority. The  
10 local licensing authority may require a public hearing and  
11 the payment of an additional permit fee not to exceed one  
12 hundred dollars (\$100.00) regardless of the number of  
13 satellite locations. The satellite winery permit shall be  
14 subject to the terms and conditions of W.S. 12-4-106, the  
15 schedule of operating hours provided in W.S. 12-5-101 and  
16 the ~~dispensing room~~licensed building provisions of W.S.  
17 12-5-201.

18

19 **12-4-413. Bar and grill liquor license; authorized;**  
20 **requirements.**

21

22 (f) Bar and grill liquor licenses shall be subject to  
23 the provisions of W.S. 12-4-408 and 12-4-410(c) to the same

1 extent those provisions are applicable to restaurant liquor  
2 licenses. Bar and grill liquor licensees shall not sell  
3 alcoholic or malt beverages for off-premises consumption  
4 ~~off the premises~~ from the licensed building owned or leased  
5 by the licensee except as allowed under W.S. 12-4-410(e).

6

7 **12-4-501. Malt beverage permit for University of**  
8 **Wyoming; fee; rules and regulations.**

9

10 (c) The board of trustees of the University of  
11 Wyoming shall provide rules and regulations for the  
12 following:

13

14 (i) ~~Location of the dispensing rooms~~ Locations  
15 in which malt beverages may be sold;

16

17 (iii) The hours and days of the operation of the  
18 ~~dispensing rooms~~ licensed building, which shall be within  
19 the following limits:

20

21 (iv) Whether food may be sold in the ~~dispensing~~  
22 ~~rooms~~ licensed building;

23

1           **12-4-502. Twenty-four hour malt beverage permit and**  
2 **catering permit; restrictions; application procedure; fees.**

3  
4           (a) A malt beverage permit authorizing the sale of  
5 malt beverages only may be issued by the appropriate  
6 licensing authority to any responsible person or  
7 organization for sales at a picnic, bazaar, fair, rodeo,  
8 special holiday or similar public gathering. No person or  
9 organization holding the special permit shall sell any  
10 alcoholic liquor other than malt beverages on the premises  
11 described on the permit, nor shall any malt beverage be  
12 sold or consumed off the premises authorized by the permit.

13 ~~W.S. 12-5-201 does not apply to this subsection.~~

14  
15           **12-4-702. Signature and attestation; contents;**  
16 **display required.**

17  
18           (b) The following shall be shown in each license:

19  
20           (ii) ~~A description~~ An address of the ~~place~~  
21 licensed building in which alcoholic or malt beverages may  
22 be sold;

23

1 (c) Each licensee shall display his license in a  
2 conspicuous place in the licensed ~~room~~ building.

3  
4 ARTICLE 2

5 LICENSED BUILDING

6  
7 **12-5-201. Location, regulation and restrictions as to**  
8 **place of sale; inspections.**

9  
10 (a) Except as otherwise provided in this section, the  
11 principal place in which alcoholic liquor and malt  
12 beverages are sold under a license shall be located in ~~one~~  
13 ~~(1) room upon the premises~~ the licensed building for which  
14 the license is issued and as approved by the licensing  
15 authority. ~~Upon payment of an additional license fee equal~~  
16 ~~to two thirds (2/3) of the fee paid for the original~~  
17 ~~license, a licensee may have and maintain one (1)~~  
18 ~~additional dispensing room in the same building under the~~  
19 ~~authority of the original license.~~ Alcoholic beverages  
20 ~~secured in the licensed room by a server~~ may be served only  
21 in the licensed building ~~in which the licensed room is~~  
22 ~~located~~ and in an immediately adjacent fenced or enclosed  
23 area as approved by the local licensing authority. This

1 adjacent area shall not be in another building. ~~and shall~~  
2 ~~be located on the licensed premises. Only alcoholic and~~  
3 ~~malt beverages, nonalcoholic beverages, food, tobacco,~~  
4 ~~alcoholic liquor and malt beverage promotional sales items~~  
5 ~~sold to the licensee bearing the name and trademark of the~~  
6 ~~alcoholic liquor and malt beverage firm or company whose~~  
7 ~~product the item is advertising, promotional products~~  
8 ~~bearing the name of the licensed retailer, billiard and~~  
9 ~~dart supplies, newspapers, magazines and periodicals may be~~  
10 ~~sold and served in the licensed room.~~ The licensing  
11 authority shall, as often as necessary, inspect the  
12 licensed ~~room and adjoining rooms~~ building and adjacent  
13 areas where alcoholic beverages are served to insure that  
14 the licensee is in compliance with sanitation and fire  
15 hazard requirements and other applicable laws. ~~A licensee~~  
16 ~~may separate the facility for the sale of alcoholic liquor~~  
17 ~~and malt beverages for off-premise consumption from the~~  
18 ~~facility used to serve customers for on-premise consumption~~  
19 ~~without payment of an additional fee. A separated facility~~  
20 ~~for making sales for off-premise consumption shall be~~  
21 ~~located adjoining the facility for making sales for~~  
22 ~~on-premise consumption. The two (2) facilities may be~~  
23 ~~separated by a glass or other suitable partition.~~

1

2 (e) Notwithstanding subsection (a) of this section, a  
3 licensee who holds a license other than a club license  
4 issued under W.S. 12-4-301 or restaurant license issued  
5 under W.S. 12-4-407, and who is engaged in a business  
6 operation with motel or hotel sleeping room accommodations  
7 at the same premises may, ~~at an additional fee of not to~~  
8 ~~exceed one-half (1/2) of the fee paid for the original~~  
9 ~~license,~~ sell alcoholic liquor and malt beverages in sealed  
10 containers from a minibar located in any sleeping room of  
11 the licensee's motel or hotel operation occupied by a  
12 registered guest twenty-one (21) years of age or older.  
13 Sales under this subsection shall be only to registered  
14 guests age twenty-one (21) years or more, are not subject  
15 to hours of operation imposed under W.S. 12-5-101 and shall  
16 be only for consumption within the motel or hotel sleeping  
17 room premises occupied by the guest. Restrictions imposed  
18 upon minors under W.S. 12-6-101 apply to sales authorized  
19 under this subsection. The price imposed upon alcoholic  
20 liquor, malt beverages and all other items available for  
21 sale from the minibar shall be clearly posted. A minibar  
22 used for purposes of this subsection shall be a closed  
23 container, refrigerated or nonrefrigerated, access to the

1 interior of which is restricted by means of a locking  
2 device requiring the use of a key, magnetic card or similar  
3 device. The appropriate licensing authority may impose  
4 additional reasonable restrictions on the operation of a  
5 minibar licensed under this subsection.

6

7 (f) A holder of a resort retail liquor license may  
8 dispense alcoholic beverages from any location within the  
9 boundaries of the resort premises. The resort premises  
10 shall be a single property within a contiguous boundary  
11 upon which the resort is located and which shall be  
12 identified in the license. ~~Subsections (a) through (c) and~~  
13 ~~(e) of this section do not apply to holders of a resort~~  
14 ~~retail liquor license with respect to alcoholic beverages~~  
15 ~~dispensed within the contiguous boundaries of the resort~~  
16 ~~premises for which a resort retail liquor license is~~  
17 ~~issued, except that~~ Any location on the resort premises  
18 where alcoholic beverages are dispensed as approved by the  
19 licensing authority shall comply with applicable sanitation  
20 and fire hazard requirements and other applicable laws.  
21 The licensing authority shall, as often as necessary,  
22 inspect the licensed location where alcoholic beverages are  
23 dispensed to ensure that the licensee is in compliance with

1 sanitation and fire hazard requirements. ~~For each~~  
2 ~~additional fixed dispensing location, the applicant shall~~  
3 ~~pay an annual fee equal to sixty-six and two-thirds percent~~  
4 ~~(66 2/3%) of the original license fee.~~

5  
6 (g) Any golf club as defined by W.S.  
7 12-1-101(a)(iii)(D) which holds a retail liquor license or  
8 a club limited retail liquor license under W.S. 12-4-301  
9 may dispense alcoholic beverages from any location within  
10 the boundaries of the golf club premises. The premises  
11 shall be a single property within a contiguous boundary  
12 upon which the golf club is located and which shall be  
13 identified in the license. ~~Subsections (a) through (c) and~~  
14 ~~(e) of this section do not apply to golf clubs as defined~~  
15 ~~by W.S. 12-1-101(a)(iii)(D) which are holders of a retail~~  
16 ~~liquor license or a club limited retail liquor license with~~  
17 ~~respect to alcoholic beverages dispensed within the~~  
18 ~~contiguous boundaries of the golf club premises, except~~  
19 ~~that~~ Any location on the golf club premises where alcoholic  
20 beverages are dispensed as approved by the licensing  
21 authority shall comply with applicable sanitation and fire  
22 hazard requirements and other applicable laws. The  
23 licensing authority shall, as often as necessary, inspect

1 the licensed location where alcoholic beverages are  
2 dispensed to ensure that the licensee is in compliance with  
3 sanitation and fire hazard requirements. Any political  
4 subdivision issued a club limited retail liquor license for  
5 use at a bona fide golf course may contract for or  
6 otherwise subcontract the operations of the golf course or  
7 any food and beverage services associated therewith to  
8 another individual or entity without transferring the  
9 license thereto.

10

11 (h) With the approval and on the conditions imposed  
12 by the licensing authority, any restaurant liquor licensee  
13 operating on a golf course may dispense alcoholic beverages  
14 from any location on the premises of the golf course.  
15 ~~Subsections (a) through (c) and (e) of this section do not~~  
16 ~~apply to holders of such licenses, but~~ Such holders shall  
17 comply with all applicable sanitation and fire hazard  
18 requirements, and other applicable laws.

19

20 (j) Any retail or restaurant liquor licensee  
21 operating on a guest ranch as defined by W.S.  
22 12-1-101(a)(xxiii) may dispense alcoholic beverages from  
23 any location within the boundaries of the guest ranch

1 premises. The guest ranch premises shall be a single  
2 property within a contiguous boundary upon which the guest  
3 ranch is located and which shall be identified in the  
4 license. ~~Subsections (a) through (c) and (e) of this~~  
5 ~~section do not apply to holders of such licenses.~~ The  
6 licensing authority shall, as often as necessary, inspect  
7 the licensed location where alcoholic beverages are  
8 dispensed to ensure that the licensee is in compliance with  
9 sanitation and fire hazard requirements and other  
10 applicable laws. ~~For each additional fixed dispensing~~  
11 ~~location, the applicant shall pay an annual fee equal to~~  
12 ~~two thirds (2/3) of the original license fee.~~

13

14 (k) A licensing authority may authorize a licensee  
15 holding a retail liquor license issued under W.S. 12-4-201  
16 to hold an event ~~on~~ in the licensed ~~premises~~ building at  
17 which persons under the age of twenty-one (21) are  
18 permitted ~~upon the premises~~ if:

19

20 (i) No alcoholic liquor or malt beverages are  
21 sold, served, consumed or possessed by any person ~~in the~~  
22 ~~dispensing room during~~ attending the event;

23

1           (ii) ~~The dispensing room is closed during the~~  
2 ~~event and all~~ No alcoholic liquor ~~and~~ or malt beverages are  
3 ~~removed from the dispensing room in which the event is held~~  
4 ~~and are stored in an area on the licensed premises not~~  
5 accessible to persons ~~in the closed dispensing room during~~  
6 ~~the event or stored in a manner preventing dispensation~~  
7 ~~during~~ attending the event;

8  
9           (m) Nothing under this act shall prohibit more than  
10 one (1) liquor license holder to operate within the same  
11 building provided that each licensee maintains distinct  
12 areas within the building.

13  
14           **12-5-202. Storage outside licensed premises**  
15 **prohibited; exception.**

16  
17 A retail licensee shall not store alcoholic liquor or malt  
18 beverages outside of the licensed ~~premises~~ building unless  
19 he files with the division a written statement that he  
20 stores alcoholic liquors or malt beverages in a place other  
21 than his place of business and states the exact location of  
22 the storage place.

23

1           **12-5-301. Conditions for operation.**

2

3           (a) Upon approval of the licensing authority, a  
4 drive-in area adjacent or contiguous to the licensed ~~room~~  
5 building may be used by the holder of a retail liquor  
6 license for taking orders, making delivery of and receiving  
7 payment for alcoholic liquor or malt beverages under the  
8 following conditions:

9

10           **12-6-101. Sale or possession prohibited; when**  
11 **possession unlawful; public drunkenness; falsification of**  
12 **identification; penalty; prima facie identification as**  
13 **defense.**

14

15           (c) Except as otherwise provided in this title, no  
16 person under the age of twenty-one (21) years shall:

17

18                   (iv) Consume any ethyl alcohol; ~~or~~

19

20                   (v) Have measurable blood, breath or urine  
21 alcohol concentration in his body; ~~or~~ or

22

1           (vi) Enter or remain in an establishment that is  
2 primarily for off-premise sales of alcoholic liquor or malt  
3 beverages unless accompanied by a parent, spouse or legal  
4 guardian who is twenty-one (21) years of age or older.

5  
6           **12-6-103. Compliance.**

7  
8           (d) For purposes of this section, the term  
9 "compliance check" shall mean an inspection conducted  
10 pursuant to the provisions of this section for purposes of  
11 education or enforcement of laws prohibiting the sale of  
12 alcohol to minors. The use of persons age eighteen (18) to  
13 twenty-one (21) during compliance checks is authorized  
14 subject to the following:

15  
16           (v) Any participant or adult aiding a  
17 participant in a compliance check under this section shall  
18 be granted immunity from prosecution under W.S. 12-6-101.  
19 ~~and 12-5-203.~~

20  
21           **Section 2.** W.S. 12-1-101(a)(xv), 12-4-412(c)(i),  
22 12-4-501(c)(ii), 12-4-504(e), 12-4-505(c), 12-5-201(b)  
23 through (d), 12-5-203 and 12-5-301(a)(ii) are repealed.

1

2       **Section 3.** This act is effective July 1, 2017.

3

4

(END)