HOUSE BILL NO. HB0096

Microbrewery permits.

Sponsored by: Representative(s) Greear, Blake, Henderson, Laursen, Lindholm, Madden and Pownall and Senator(s) Driskill

A BILL

for

1 AN ACT relating to microbrewery permits; authorizing
2 holders of a microbrewery permit to dispense malt beverages
3 in areas adjacent to its site as specified; providing for
4 the dispensing of malt beverages at satellite locations as
5 specified; providing for a licensing fee; and providing for
6 an effective date.

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

Section 1. W.S. 12-4-412(a)(i), (c)(iii), by creating
a new paragraph (v), (d), (e)(ii) and by creating a new
paragraph (iv) and 12-5-201(a) are amended to read:
12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue:

(i) A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption. Notwithstanding W.S. 12-5-201, "on-premises" may include a fenced or enclosed area immediately adjacent to its licensed manufacturing site as approved by the local licensing authority. The dispensing of malt beverages in an immediately adjacent area authorized by this paragraph shall be subject to the schedule of operating hours provided in W.S. 12-5-101;

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (b)(iii)(B) of this section, except the dual holder:
(iii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit: and

(v) May dispense the brewed malt beverage in areas immediately adjacent to its licensed manufacturing site as authorized by paragraph (a)(i) of this section.

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

(e) The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (b)(iii)(F) of this section, except the dual holder:

(ii) May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iv) May dispense the brewed malt beverage in areas immediately adjacent to its licensed manufacturing site as authorized by paragraph (a)(i) of this section.

12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.
(a) Except as otherwise provided in this section and W.S. 12-4-412(a)(i), the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This area shall not be in another building and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the
licensed room. The licensing authority shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.

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