

SENATE FILE NO. SF0043

Alcoholic beverages revisions.

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

A BILL

for

1 AN ACT relating to alcoholic beverages; authorizing
2 wholesale licensees to distribute malt beverages outside
3 designated territories as specified; repealing requirement
4 license and permit fees be paid in cash or by certified
5 check; repealing restrictions on license and permit holding
6 by a mayor, city or town council member, county
7 commissioner and law enforcement officer; modifying
8 requirements for special malt beverage permits for public
9 auditoriums, civic centers or events centers; modifying
10 provisions related to hours of operations; modifying
11 minimum purchase requirements for permit and license
12 holders; modifying and clarifying application of population
13 formula for licenses; repealing certain preference right;
14 repealing limitation on issuance of restaurant licenses;
15 repealing provisions related to prohibited acts in a

1 licensed building or premises; repealing obsolete
2 provisions; conforming provisions; and providing for an
3 effective date.

4

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

6

7 **Section 1.** W.S. 12-2-201 by creating a new subsection
8 (h), 12-2-203(f) and (g), 12-4-101(d), 12-4-103(c),
9 12-4-407(a) and (d), 12-4-410(c), 12-4-412(b)(iii)(A) and
10 (d), 12-4-502(c), 12-4-504(a), 12-5-101 by creating a new
11 subsection (d), 12-5-201(e), 12-9-102(a)(ix)(D) and
12 12-9-109(a)(iv) are amended to read:

13

14 **12-2-201. Wholesale license for sale of malt**
15 **beverages only; fee.**

16

17 (h) Notwithstanding subsection (b) of this section, a
18 licensed malt beverage wholesaler may sell malt beverages
19 to a retail liquor licensee or malt beverage permittee
20 outside its designated sales territory if the malt beverage
21 wholesaler granted distribution rights in that territory is
22 unwilling or unable to service the retail liquor licensee
23 or malt beverage permittee in that territory.

1

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

4

5 (f) A holder of a manufacturer's license under
6 subsection (a) of this section who is a federally licensed
7 distiller or rectifier may dispense free of charge on-site
8 samples in quantities not to exceed one and one-half (1.5)
9 ounces of their manufactured product and no more than two
10 (2) samples per consumer per day. The dispensing of
11 samples shall be subject to the schedule of operating hours
12 ~~provided in~~ set pursuant to W.S. 12-5-101 and the
13 dispensing room provisions provided in W.S. 12-5-201.

14

15 (g) The local licensing authority may issue to the
16 holder of a manufacturer's license under subsection (a) of
17 this section who is a federally licensed distiller or
18 rectifier, a satellite manufacturer's permit which allows
19 the permittee to sell its manufactured product at not more
20 than one (1) satellite location within Wyoming separate
21 from its manufacturing site under the original permit. All
22 products sold at a manufacturer's satellite location shall
23 be obtained through the division. The satellite

1 manufacturer's permit may be issued on application to the
2 appropriate licensing authority. The local licensing
3 authority may require a public hearing and the payment of
4 an additional permit fee not to exceed one hundred dollars
5 (\$100.00). The satellite manufacturer's permit shall be
6 subject to the terms and conditions of W.S. 12-4-106, the
7 schedule of operating hours ~~provided in~~ set pursuant to
8 W.S. 12-5-101 and the dispensing room provisions pursuant
9 to W.S. 12-5-201.

10
11 **12-4-101. Authority of cities, towns and counties;**
12 **population figures; number of available licenses and**
13 **permits; assessment of fees.**

14
15 (d) Unless otherwise provided, the licensing
16 authority shall uniformly assess license or permit fees
17 annually for each particular class of license or permit.
18 ~~Applicants for a license or permit shall pay the required~~
19 ~~fee in cash or by certified check upon receipt of the~~
20 ~~license or permit.~~

21
22 **12-4-103. Restrictions upon license or permit**
23 **applicants and holders; license limitation per person.**

1

2 (c) Except as provided in subsection (d) of this
3 section, a ~~license or permit authorized by this title shall~~
4 ~~not be renewed if the licensee or permittee did not, during~~
5 ~~the previous one (1) year term of the license or permit,~~
6 ~~purchase at least five hundred dollars (\$500.00) of~~
7 ~~alcoholic or malt beverages or a combination thereof from~~
8 ~~the division or any authorized malt beverage wholesaler. A~~
9 retail liquor license shall not be renewed if the licensee
10 did not, during the previous one (1) year term of the
11 license, purchase at least two thousand dollars (\$2,000.00)
12 of alcoholic or malt beverages or a combination thereof
13 from the division or any authorized malt beverage
14 wholesaler.

15

16 **12-4-407. Restaurant liquor license; authorized.**

17

18 (a) Restaurants as defined by W.S. 12-1-101(a)(xiv)
19 may be licensed by the appropriate licensing authority in
20 counties, cities and towns under a restaurant liquor
21 license. In addition to the application requirements
22 required by this title, the license applicant shall submit
23 a valid food service permit upon application. ~~When the~~

1 ~~total dollar amount of wholesale purchases from the~~
2 ~~division of liquor in a county is greater than fifty (50)~~
3 ~~times the county population, then~~ Population formulas have
4 no application to issuance of restaurant liquor licenses
5 within the county.

6
7 (d) Any person presently holding a limited retail
8 liquor license and otherwise qualified for a restaurant
9 liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407
10 through 12-4-411 may be issued a restaurant liquor license
11 by the appropriate licensing authority. ~~Licenses issued~~
12 ~~under this subsection shall not be considered in the number~~
13 ~~of licenses authorized under subsection (c) of this~~
14 ~~section.~~

15
16 **12-4-410. Sale of alcoholic beverages for**
17 **off-premises consumption prohibited; location, regulation**
18 **and restrictions on dispensing of liquor; prohibiting**
19 **certain activities.**

20
21 (c) All sales of alcoholic and malt beverages
22 authorized by a restaurant liquor license shall cease at
23 the time food sales and services cease or at the hours

1 ~~specified by W.S. 12-5-101(a)~~ set pursuant to W.S. 12-5-101
2 if food sales and services extend beyond ~~the~~ those hours.
3 ~~specified therein.~~

4

5 **12-4-412. Microbrewery and winery permits;**
6 **authorized; conditions; dual permits and licenses;**
7 **satellite winery permits; direct shipment of wine; fees.**

8

9 (b) The local licensing authority:

10

11 (iii) May approve the dual holding of a
12 microbrewery permit or winery permit and one (1) of the
13 following:

14

15 (A) A retail liquor license as provided in
16 W.S. 12-4-101 through ~~12-4-202~~ 12-4-201;

17

18 (d) In addition to subsection (b) of this section,
19 the local licensing authority may issue to the holder of a
20 winery permit under this section a satellite winery permit
21 which allows the permittee to sell its manufactured wine at
22 up to three (3) satellite locations within Wyoming separate
23 from its licensed manufacturing site under the original

1 permit fee. The satellite winery permit may be issued on
2 application to the appropriate licensing authority. The
3 local licensing authority may require a public hearing and
4 the payment of an additional permit fee not to exceed one
5 hundred dollars (\$100.00) regardless of the number of
6 satellite locations. The satellite winery permit shall be
7 subject to the terms and conditions of W.S. 12-4-106, the
8 schedule of operating hours ~~provided in~~ set pursuant to
9 W.S. 12-5-101 and the dispensing room provisions of W.S.
10 12-5-201.

11

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

14

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

1 event conducted by a public entity upon public premises, or
2 to catering permits for events at the facilities of the
3 University of Wyoming in Laramie, including the Marian H.
4 Rochelle Gateway Center.

5

6 **12-4-504. Special malt beverage permit for public**
7 **auditoriums, civic centers or events centers.**

8

9 (a) The appropriate licensing authority in a county,
10 city or town may issue a special malt beverage permit to
11 any responsible person or organization for sales of malt
12 beverages at public auditoriums, civic centers or events
13 centers. ~~meeting the qualifications of subsection (b) of~~
14 The issuing body may provide rules to implement this
15 section.

16

17 **12-5-101. Hours of sale generally.**

18

19 (d) Local licensing authorities may set hours of
20 operation for alcohol sales provided that the hours of
21 operation are uniformly applied to establishments similarly
22 situated.

23

1 **12-5-201. Location, regulation and restrictions as to**
2 **place of sale; inspections; additional dispensing rooms.**

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

1 posted. A minibar used for purposes of this subsection
2 shall be a closed container, refrigerated or
3 nonrefrigerated, access to the interior of which is
4 restricted by means of a locking device requiring the use
5 of a key, magnetic card or similar device. The appropriate
6 licensing authority may impose additional reasonable
7 restrictions on the operation of a minibar licensed under
8 this subsection.

9

10 **12-9-102. Definitions.**

11

12 (a) As used in this act:

13

14 (ix) "Good cause" means:

15

16 (D) Except as provided in W.S. 12-2-201(h),
17 the distributor intentionally sells the supplier's products
18 to a retailer or retailers outside that distributor's
19 assigned territory;

20

21 **12-9-109. Conditions and notice required.**

22

1 (a) Notwithstanding W.S. 12-9-105 and 12-9-106, a
2 manufacturer may immediately terminate, cancel, fail to
3 renew, or discontinue an agreement if any of the following
4 occur:

5

6 (iv) Except as provided in W.S. 12-2-201(h), the
7 distributor intentionally sells the supplier's products to
8 a retailer or retailers outside that distributor's assigned
9 territory;

10

11 **Section 2.** W.S. 12-4-103(a)(i) and (ii), 12-4-104(c),
12 12-4-202, 12-4-407(c), 12-4-504(b) through (e), 12-5-101(a)
13 through (c), 12-5-204 and 12-8-201 are repealed.

14

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

16

17

(END)