

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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; removing hour  
8 restriction on clearing certain rooms where alcoholic or  
9 malt beverages are sold; creating an offense for underage  
10 persons who enter or remain in establishments that are  
11 primarily for off-premise sales of alcoholic or malt  
12 beverages as specified; repealing restriction on minors in

1 rooms where alcoholic or malt beverages are sold as  
2 specified; conforming provisions; repealing rulemaking  
3 requirements; and providing for an effective date.

4

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

6

7       **Section 1.** W.S. 12-2-203(f), (g), 12-4-102(a)(i),  
8 12-4-103(a)(iii), 12-4-104(a), 12-4-301(c), 12-4-410(a),  
9 (b) and by creating a new subsection (f), 12-4-412(d),  
10 12-4-413(f), 12-4-501(c)(i), (iii) and (iv), 12-4-502(a),  
11 12-4-702(b)(ii), (c), 12-5-101(a), (c), 12-5-201(a), (e)  
12 through (k)(intro), (i), (ii) and by creating a new  
13 subsection (m), 12-5-202, 12-5-301(a)(intro), 12-6-  
14 101(c)(iv), (v) and by creating a new paragraph (vi) and  
15 12-6-103(d)(v) are amended to read:

16

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

19

20       (f) A holder of a manufacturer's license under  
21 subsection (a) of this section who is a federally licensed  
22 distiller or rectifier may dispense free of charge on-site  
23 samples in quantities not to exceed one and one-half (1.5)

1 ounces of their manufactured product and no more than two  
2 (2) samples per consumer per day. The dispensing of  
3 samples shall be subject to the schedule of operating hours  
4 provided in W.S. 12-5-101 and the ~~dispensing room~~licensed  
5 building provisions provided in W.S. 12-5-201.

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

1 the ~~dispensing room~~licensed building provisions pursuant  
2 to W.S. 12-5-201.

3

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

6

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

15

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

22

1           **12-4-103. Restrictions upon license or permit**  
2 **applicants and holders; license limitation per person.**

3  
4           (a) A license or permit authorized by this title  
5 shall not be held by, issued or transferred to:

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

16  
17           **12-4-104. Publication of notice; grant or denial;**  
18 **renewal preference; copy of application and notice to**  
19 **division; judicial review.**

20  
21           (a) When an application for a license, permit,  
22 renewal or any transfer of location or ownership thereof  
23 has been filed with a licensing authority, the clerk shall

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

19

20 NOTICE OF APPLICATION FOR A ....

21

22 Notice is hereby given that on the .... day of .... (year)

23 (name of applicant) filed an application for a .... license

1 (permit), in the office of the clerk of the city (or town  
2 or county) of .... for the following ~~described place (and~~  
3 ~~room)~~ licensed building (insert ~~description~~ address) and  
4 protests, if any there be, against the issuance (transfer  
5 or renewal) of the license (permit) will be heard at the  
6 hour of ....M., on the .... day of .... (year), in the  
7 (meeting place of the governing body).

8

9 Dated ....

Signed ....

10

11 **12-4-301. Sales by clubs; license fees; petition;**  
12 **license restrictions.**

13

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

23

1           **12-4-410.       Sale of alcoholic beverages for off-**  
2 **premises consumption prohibited; location, regulation and**  
3 **restrictions on dispensing of liquor; prohibiting certain**  
4 **activities.**

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

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



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

15

16 (f) For purposes of this section, "room" means, as  
17 approved by the local licensing authority, a part of the  
18 inside of a building large enough for a person to enter,  
19 but not a cabinet, which is divided from other areas by  
20 walls and a doorway and has its own floor and ceiling.

21

1           **12-4-412. Microbrewery and winery permits;**  
2 **authorized; conditions; dual permits and licenses;**  
3 **satellite winery permits; direct shipment of wine; fees.**

4  
5           (d) In addition to subsection (b) of this section,  
6 the local licensing authority may issue to the holder of a  
7 winery permit under this section a satellite winery permit  
8 which allows the permittee to sell its manufactured wine at  
9 up to three (3) satellite locations within Wyoming separate  
10 from its licensed manufacturing site under the original  
11 permit fee. The satellite winery permit may be issued on  
12 application to the appropriate licensing authority. The  
13 local licensing authority may require a public hearing and  
14 the payment of an additional permit fee not to exceed one  
15 hundred dollars (\$100.00) regardless of the number of  
16 satellite locations. The satellite winery permit shall be  
17 subject to the terms and conditions of W.S. 12-4-106, the  
18 schedule of operating hours provided in W.S. 12-5-101 and  
19 the ~~dispensing room~~licensed building provisions of W.S.  
20 12-5-201.

21  
22           **12-4-413. Bar and grill liquor license; authorized;**  
23 **requirements.**

1

2 (f) Bar and grill liquor licenses shall be subject to  
3 the provisions of W.S. 12-4-408 and 12-4-410(c) to the same  
4 extent those provisions are applicable to restaurant liquor  
5 licenses. Bar and grill 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 allowed under W.S. 12-4-410(e).

9

10 **12-4-501. Malt beverage permit for University of**  
11 **Wyoming; fee; rules and regulations.**

12

13 (c) The board of trustees of the University of  
14 Wyoming shall provide rules and regulations for the  
15 following:

16

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

19

20 (iii) The hours and days of the operation of the  
21 ~~dispensing rooms~~ licensed building, which shall be within  
22 the following limits:

23

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

3  
4 **12-4-502. Twenty-four hour malt beverage permit and**  
5 **catering permit; restrictions; application procedure; fees.**

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

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

17 \*\*\*\*\*

18 **STAFF COMMENT**

19 The amendment to W.S. 12-4-502(a) was not in the language  
20 proposed for this bill draft by the Liquor Division at the  
21 Committee's September meeting. The Liquor Division has  
22 since requested that W.S. 12-4-502(a) be amended in the  
23 bill draft to strike the language on line 16 above.

24 \*\*\*\*\*

25

26 **12-4-702. Signature and attestation; contents;**  
27 **display required.**

1

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

3

4 (ii) ~~A description~~ An address of the ~~place~~  
5 licensed building in which alcoholic or malt beverages may  
6 be sold;

7

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

10

11 **12-5-101. Hours of sale generally; exceptions;**  
12 **designation of dates for unrestricted operation.**

13

14 (a) All licensees may, with the approval of the local  
15 licensing authority, ~~open the dispensing room~~ begin the  
16 sale of alcoholic and malt beverages at 6:00 a.m. and shall  
17 ~~close the dispensing room and~~ cease the sale of ~~both~~  
18 alcoholic and malt beverages promptly at the hour of 2:00  
19 a.m. the following day. ~~In addition, licensees shall clear~~  
20 ~~the dispensing room of all persons other than employees by~~  
21 ~~2:30 a.m.~~

22

1 (c) The hours of operation designated in subsection  
2 (a) of this section may be modified on no more than four  
3 (4) days each calendar year by a resolution or agreement  
4 made each year by the appropriate licensing authority  
5 designating those dates during city or county fairs,  
6 rodeos, pageants, jubilees, special holidays or similar  
7 public gatherings when all licensees may operate their  
8 ~~dispensing rooms~~ licensed building for a period of twenty-  
9 four (24) hours beginning at 6:00 a.m.

10

## 11 ARTICLE 2 - LICENSED BUILDING

12

13 **12-5-201. Location, regulation and restrictions as to**  
14 **place of sale; inspections.**

15

16 (a) Except as otherwise provided in this section, the  
17 principal place in which alcoholic liquor and malt  
18 beverages are sold under a license shall be located in ~~one~~  
19 ~~(1) room upon the premises~~ the licensed building for which  
20 the license is issued and as approved by the licensing  
21 authority. ~~Upon payment of an additional license fee equal~~  
22 ~~to two thirds (2/3) of the fee paid for the original~~  
23 ~~license, a licensee may have and maintain one (1)~~

1 ~~additional dispensing room in the same building under the~~  
2 ~~authority of the original license.~~ Alcoholic beverages  
3 ~~secured in the licensed room by a server~~ may be served only  
4 in the licensed building ~~in which the licensed room is~~  
5 ~~located~~ and in an immediately adjacent fenced or enclosed  
6 area as approved by the local licensing authority. This  
7 adjacent area shall not be in another building. ~~and shall~~  
8 ~~be located on the licensed premises.~~ Only alcoholic and  
9 ~~malt beverages, nonalcoholic beverages, food, tobacco,~~  
10 ~~alcoholic liquor and malt beverage promotional sales items~~  
11 ~~sold to the licensee bearing the name and trademark of the~~  
12 ~~alcoholic liquor and malt beverage firm or company whose~~  
13 ~~product the item is advertising, promotional products~~  
14 ~~bearing the name of the licensed retailer, billiard and~~  
15 ~~dart supplies, newspapers, magazines and periodicals~~ may be  
16 ~~sold and served in the licensed room.~~ The licensing  
17 authority shall, as often as necessary, inspect the  
18 licensed ~~room and adjoining rooms~~ building and adjacent  
19 areas where alcoholic beverages are served to insure that  
20 the licensee is in compliance with sanitation and fire  
21 hazard requirements and other applicable laws. ~~A licensee~~  
22 ~~may separate the facility for the sale of alcoholic liquor~~  
23 ~~and malt beverages for off-premise consumption from the~~

1 ~~facility used to serve customers for on-premise consumption~~  
2 ~~without payment of an additional fee. A separated facility~~  
3 ~~for making sales for off-premise consumption shall be~~  
4 ~~located adjoining the facility for making sales for on-~~  
5 ~~premise consumption. The two (2) facilities may be~~  
6 ~~separated by a glass or other suitable partition.~~

7

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



1 upon minors under W.S. 12-6-101 apply to sales authorized  
2 under this subsection. The price imposed upon alcoholic  
3 liquor, malt beverages and all other items available for  
4 sale from the minibar shall be clearly posted. A minibar  
5 used for purposes of this subsection shall be a closed  
6 container, refrigerated or nonrefrigerated, access to the  
7 interior of which is restricted by means of a locking  
8 device requiring the use of a key, magnetic card or similar  
9 device. The appropriate licensing authority may impose  
10 additional reasonable restrictions on the operation of a  
11 minibar licensed under this subsection.

12

13 (f) A holder of a resort retail liquor license may  
14 dispense alcoholic beverages from any location within the  
15 boundaries of the resort premises. The resort premises  
16 shall be a single property within a contiguous boundary  
17 upon which the resort is located and which shall be  
18 identified in the license. ~~Subsections (a) through (c) and~~  
19 ~~(e) of this section do not apply to holders of a resort~~  
20 ~~retail liquor license with respect to alcoholic beverages~~  
21 ~~dispensed within the contiguous boundaries of the resort~~  
22 ~~premises for which a resort retail liquor license is~~  
23 ~~issued, except that~~ Any location on the resort premises

1 where alcoholic beverages are dispensed as approved by the  
2 licensing authority shall comply with applicable sanitation  
3 and fire hazard requirements and other applicable laws.  
4 The licensing authority shall, as often as necessary,  
5 inspect the licensed location where alcoholic beverages are  
6 dispensed to ensure that the licensee is in compliance with  
7 sanitation and fire hazard requirements. ~~For each~~  
8 ~~additional fixed dispensing location, the applicant shall~~  
9 ~~pay an annual fee equal to sixty-six and two-thirds percent~~  
10 ~~(66 2/3%) of the original license fee.~~

11

12 (g) Any golf club as defined by W.S.  
13 12-1-101(a)(iii)(D) which holds a retail liquor license or  
14 a club limited retail liquor license under W.S. 12-4-301  
15 may dispense alcoholic beverages from any location within  
16 the boundaries of the golf club premises. The premises  
17 shall be a single property within a contiguous boundary  
18 upon which the golf club is located and which shall be  
19 identified in the license. ~~Subsections (a) through (c) and~~  
20 ~~(e) of this section do not apply to golf clubs as defined~~  
21 ~~by W.S. 12-1-101(a)(iii)(D) which are holders of a retail~~  
22 ~~liquor license or a club limited retail liquor license with~~  
23 ~~respect to alcoholic beverages dispensed within the~~

1 ~~contiguous boundaries of the golf club premises, except~~  
2 ~~that~~ Any location on the golf club premises where alcoholic  
3 beverages are dispensed as approved by the licensing  
4 authority shall comply with applicable sanitation and fire  
5 hazard requirements and other applicable laws. 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. Any political  
10 subdivision issued a club limited retail liquor license for  
11 use at a bona fide golf course may contract for or  
12 otherwise subcontract the operations of the golf course or  
13 any food and beverage services associated therewith to  
14 another individual or entity without transferring the  
15 license thereto.

16

17 (h) With the approval and on the conditions imposed  
18 by the licensing authority, any restaurant liquor licensee  
19 operating on a golf course may dispense alcoholic beverages  
20 from any location on the premises of the golf course.  
21 ~~Subsections (a) through (c) and (e) of this section do not~~  
22 ~~apply to holders of such licenses, but~~ Such holders shall

1 comply with all applicable sanitation and fire hazard  
2 requirements, and other applicable laws.

3

4 (j) Any retail or restaurant liquor licensee  
5 operating on a guest ranch as defined by W.S.  
6 12-1-101(a)(xxiii) may dispense alcoholic beverages from  
7 any location within the boundaries of the guest ranch  
8 premises. The guest ranch premises shall be a single  
9 property within a contiguous boundary upon which the guest  
10 ranch is located and which shall be identified in the  
11 license. ~~Subsections (a) through (c) and (e) of this~~  
12 ~~section do not apply to holders of such licenses.~~ The  
13 licensing authority shall, as often as necessary, inspect  
14 the licensed location where alcoholic beverages are  
15 dispensed to ensure that the licensee is in compliance with  
16 sanitation and fire hazard requirements and other  
17 applicable laws. ~~For each additional fixed dispensing~~  
18 ~~location, the applicant shall pay an annual fee equal to~~  
19 ~~two-thirds (2/3) of the original license fee.~~

20

21 (k) A licensing authority may authorize a licensee  
22 holding a retail liquor license issued under W.S. 12-4-201  
23 to hold an event ~~on~~in the licensed ~~premises~~building at

1 which persons under the age of twenty-one (21) are  
2 permitted ~~upon the premises~~ if:

3  
4 (i) No alcoholic liquor or malt beverages are  
5 sold, served, consumed or possessed by any person ~~in the~~  
6 ~~dispensing room during~~ attending the event;

7  
8 (ii) ~~The dispensing room is closed during the~~  
9 ~~event and all~~ No alcoholic liquor ~~and~~ or malt beverages are  
10 ~~removed from the dispensing room in which the event is held~~  
11 ~~and are stored in an area on the licensed premises not~~  
12 accessible to persons ~~in the closed dispensing room during~~  
13 ~~the event or stored in a manner preventing dispensation~~  
14 ~~during~~ attending the event;

15  
16 (m) Nothing under this act shall prohibit more than  
17 one (1) liquor license holder to operate within the same  
18 building provided that each licensee maintains distinct  
19 areas within the building.

20  
21 **12-5-202. Storage outside licensed premises**  
22 **prohibited; exception.**

23

1 A retail licensee shall not store alcoholic liquor or malt  
2 beverages outside of the licensed ~~premises~~building unless  
3 he files with the division a written statement that he  
4 stores alcoholic liquors or malt beverages in a place other  
5 than his place of business and states the exact location of  
6 the storage place.

7

8 **12-5-301. Conditions for operation.**

9

10 (a) Upon approval of the licensing authority, a  
11 drive-in area adjacent or contiguous to the licensed ~~room~~  
12 building may be used by the holder of a retail liquor  
13 license for taking orders, making delivery of and receiving  
14 payment for alcoholic liquor or malt beverages under the  
15 following conditions:

16

17 **12-6-101. Sale or possession prohibited; when**  
18 **possession unlawful; public drunkenness; falsification of**  
19 **identification; penalty; prima facie identification as**  
20 **defense.**

21

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

1

2

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

3

4

5

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

6

7

8

9

10

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

11

12

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

13

14

15

16

17

18

19

20

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

21

22

23

(v) Any participant or adult aiding a participant in a compliance check under this section shall

1 be granted immunity from prosecution under W.S. 12-6-101.  
2 ~~and 12-5-203.~~

3

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

7 \*\*\*\*\*

8

**STAFF COMMENT**

9

10 The language proposed for this bill draft by the Liquor  
11 Division at the Committee's September meeting repealed W.S.  
12 12-5-204 (Prohibited acts within dispensing room; violation  
13 cause for suspension or revocation of license or permit).  
14 The Liquor Division has since requested that W.S. 12-5-204  
15 not be repealed.

16

17 Section 2 of this bill draft repeals the following  
18 provisions:

19

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

20

(a) As used in this title:

21

22 (xv) "Room" means an enclosed and partitioned  
23 space within a building large enough for a person to enter  
24 but not a cabinet. Partitions may contain windows and  
25 doorways, but any partition shall extend from floor to  
26 ceiling;

27

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

30

31 (c) W.S. 12-4-410 shall apply to any person holding a  
32 microbrewery or winery permit and a restaurant liquor  
33 license pursuant to subparagraph (b)(iii)(B) of this  
34 section, except the dual holder:

35

36 (i) May provide a separate dining area in which  
37 the brewed malt beverage or manufactured wine may be  
38 dispensed which shall be separate from any dining area in  
39 which persons age eighteen (18) or under are permitted to  
enter. The dining room in which the malt beverages or



1 wines are dispensed shall not be considered the dispensing  
2 room for purposes of the restaurant liquor license;

3  
4 **12-4-501. Malt beverage permit for University of**  
5 **Wyoming; fee; rules and regulations.**

6 (c) The board of trustees of the University of  
7 Wyoming shall provide rules and regulations for the  
8 following:

9 (ii) Furnishings and other features of the  
10 dispensing rooms;

11  
12 **12-4-504. Special malt beverage permit for public**  
13 **auditoriums, civic centers or events centers.**

14 (e) The issuing body shall provide rules and  
15 regulations for the following:

16 (i) The location of the dispensing rooms;

17 (ii) The furnishings and other features of the  
18 dispensing rooms; and

19 (iii) The hours and days of the operation of the  
20 dispensing rooms.

21  
22 **12-4-505. Malt beverage permit for state fair.**

23 (c) The director of the department of agriculture  
24 shall promulgate rules and regulations concerning:

25 (i) The location of the dispensing rooms;

26 (ii) The location of areas where malt beverages  
27 may be consumed on the state fairgrounds;

28 (iii) The furnishings and other features of the  
29 dispensing rooms;

30 (iv) The hours and days of the operation of the  
31 dispensing rooms;

32 (v) A uniform procedure of age identification  
33 for all purchasers; and

34 (vi) Other rules and regulations necessary to  
35 carry out the purposes of this section.

36  
37 **12-5-201. Location, regulation and restrictions as to**  
38 **place of sale; inspections; additional dispensing rooms.**

39 (b) If a licensee is engaged in a business operation  
40 with convention facilities, the licensee may maintain more  
41 than one (1) additional dispensing room under the same fee  
42 referred to in subsection (a) of this section. For purposes  
43 of this subsection, a convention facility shall have and  
44 maintain all of the following:

45 (i) Motel or hotel sleeping room accommodations;

1 (ii) Restaurant facilities; and  
2 (iii) Conference facilities.

3 (c) Licensing authorities may issue a twenty-four  
4 (24) hour permit to any licensee authorizing the sale of  
5 alcoholic or malt beverages in one (1) additional  
6 dispensing room in the same building licensed by the  
7 original license for a twenty-four (24) hour period only.  
8 No one (1) licensee shall be issued more than six (6)  
9 permits in any one (1) year period. The fee for the permit  
10 shall be not less than ten dollars (\$10.00) nor more than  
11 one hundred dollars (\$100.00).

12 (d) If the licensee is engaged in the operation of or  
13 is a concessionaire for a public auditorium, civic center  
14 or events center, the licensee may dispense alcoholic  
15 liquors or malt beverages in any room or other appropriate  
16 location within the confines of the licensed premises  
17 approved by the licensing authority under the same fee  
18 specified in subsection (a) of this section.

19

20 **12-5-203. Minors restricted from dispensing room;**  
21 **exception; penalty.**

22 (a) No licensee or agent, employee or servant thereof  
23 shall knowingly permit any person under the age of eighteen  
24 (18) years to enter or remain in the licensed room or rooms  
25 where alcoholic or malt beverages are dispensed. No person  
26 under the age of eighteen (18) years shall enter or remain  
27 in the licensed room or rooms where alcoholic beverages are  
28 sold unless:

29 (i) Accompanied by his parent or guardian who is  
30 at least eighteen (18) years of age and the licensed room  
31 is for the sale of alcoholic or malt beverages for off-  
32 premises consumption and separate from any licensed room  
33 for on-premises consumption; or

34 (ii) With the approval of the local licensing  
35 authority, in a dining or waiting area with an adult not  
36 later than 10:00 p.m. if the dining or waiting area is part  
37 of the licensed room.

38 (b) When the licensed room or rooms are not open for  
39 the sale or dispensing of alcoholic or malt beverages,  
40 employees of the licensee under the age of eighteen (18)  
41 may be permitted in the course of their employment to work  
42 in the room or rooms.

43 (c) Any person violating subsection (a) of this  
44 section or aiding, abetting or inciting any violation  
45 thereof is guilty of a misdemeanor and upon conviction

1 shall be fined not more than seven hundred fifty dollars  
2 (\$750.00), imprisoned for not more than six (6) months, or  
3 both.

4  
5

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

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

12 (ii) No part of the area used for orders,  
13 delivery and making payment shall be more than forty (40)  
14 feet distant from the licensed room;

15  
16

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17  
18

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

19

20

(END)