

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Alcoholic beverages-licensing and permitting.

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

A BILL

for

1 AN ACT relating to the regulation of alcoholic and malt  
2 beverages; revising and repealing provisions governing the  
3 regulation of alcoholic and malt beverages; and providing  
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 12-4-414 is created to read:

9

10 **12-4-414. Winery permits; authorized; conditions;**  
11 **dual permits and licenses; satellite winery permits; direct**  
12 **shipment of wine; fees.**

13

1           (a) Subject to restrictions imposed under W.S. 12-4-  
2 103, a local licensing authority may issue a winery permit  
3 authorizing a permit holder to manufacture wine and  
4 dispense the manufactured wine for on-premises and limited  
5 off-premises personal consumption.

6

7           (b) The local licensing authority:

8

9                   (i) May allow the sale of other wines under a  
10 winery permit for on-premises consumption when obtained  
11 from the division;

12

13                   (ii) May approve the dual holding of a winery  
14 permit and one (1) of the following:

15

16                           (A) A retail liquor license as provided in  
17 W.S. 12-4-201;

18

19                           (B) Subject to subsection (c) of this  
20 section, a restaurant license as provided in W.S. 12-4-407  
21 through 12-4-411;

22

1 (C) A resort license as provided in W.S.  
2 12-4-401 through 12-4-405;

3

4 (D) A microbrewery permit as provided under  
5 W.S. 14-4-412(a); or

6

7 (E) Subject to subsection (c) of this  
8 section, a bar and grill liquor license as provided in W.S.  
9 12-4-413.

10

11 (iii) May allow the winery to sell its  
12 manufactured wine on site for off-premises personal  
13 consumption, not for retail sale, in packaging of bottles  
14 of an aggregate volume not to exceed two thousand twenty-  
15 eight (2,028) ounces per sale;

16

17 (iv) In accordance with the process established  
18 under article 1 of this chapter, may allow the transfer of  
19 a winery permit to another location and ownership of the  
20 winery may be transferred upon approval by the local  
21 licensing authority;

22

1           (v)    Shall assess a fee of not less than three  
2 hundred dollars (\$300.00) nor more than five hundred  
3 dollars (\$500.00) payable annually in advance for each  
4 winery permit. When dual ownership of a winery permit and a  
5 liquor license exists no additional fee shall be assessed  
6 other than the retail, restaurant, bar and grill or resort  
7 license fee.

8

9           (c)    W.S. 12-4-410 shall apply to any person holding a  
10 winery permit and a restaurant liquor license pursuant to  
11 subparagraph (b)(ii)(B) of this section and W.S. 12-4-413  
12 shall apply to any person holding a winery permit and a bar  
13 and grill liquor license pursuant to subparagraph  
14 (b)(ii)(E) of this section, except that either dual holder:

15

16           (i)    May sell the manufactured wine for limited  
17 off-premises personal consumption pursuant to paragraph  
18 (b)(iii) of this section;

19

20           (ii)   May upon cessation of full service  
21 restaurant operations, serve a limited menu and continue to  
22 serve wines authorized under the winery permit;

23

1           (iii)       Shall not include sales of wines  
2 authorized under the winery permit, or sales other than  
3 food service and alcoholic beverages, in the annual gross  
4 sales report required under W.S. 12-4-408(c).

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

22

1           (e)       Notwithstanding paragraph (b)(iii) of this  
2 section and W.S. 12-5-201, any person holding a winery  
3 permit as provided by this section, may sell and ship its  
4 manufactured wine which is not listed with the liquor  
5 division as part of its inventory and distribution  
6 operation to any Wyoming retail establishment which holds a  
7 liquor license in this state.

8

9           (f)       Any licensed winery holding a winery permit  
10 pursuant to this section shall:

11

12                   (i)   Not ship more than a total of twelve (12)  
13 cases of up to nine (9) liters each of its manufactured  
14 wine to any one (1) household in this state during any  
15 twelve (12) month period;

16

17                   (ii) Offer to sell its manufactured wine to the  
18 liquor division at wholesale prices if the winery ships  
19 more than ninety (90) liters total of any of its  
20 manufactured wine to any combination of households or  
21 licensed retailers in this state;

22

1           (iii) Ship its manufactured wine only to  
2 individuals who are at least twenty-one (21) years of age  
3 for such individual's personal use and not for resale;

4

5           (iv) Ensure that all shipping containers of  
6 manufactured wine shipped pursuant to this section are  
7 conspicuously labeled with the words: "CONTAINS ALCOHOLIC  
8 BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR  
9 DELIVERY";

10

11           (v) Ensure that all of its shipments within this  
12 state are made by a duly licensed carrier and further  
13 ensure that such carriers comply with the requirement to  
14 obtain an adult signature;

15

16           (vi) File a monthly report of wines shipped out  
17 of state on a form provided by the liquor division and  
18 include a copy of the invoice for each shipment of their  
19 own manufactured wine subject to the following:

20

21           (A) The report shall be filed with the  
22 liquor division not later than the tenth day of each month  
23 following the month in which the shipment was made;

1

2 (B) Any report filed late with the liquor  
3 division shall be subject to a late filing fee of twenty-  
4 five dollars (\$25.00).

5

6 (vii) Maintain records for at least three (3)  
7 years that will permit the liquor division to ascertain the  
8 truthfulness of the information filed and permit the  
9 division to perform an audit of the licensee's records upon  
10 reasonable request.

11

12 (g) In addition to the one (1) additional license or  
13 permit authorized under paragraph (b)(ii) of this section,  
14 the holder of a winery permit under this section may also  
15 hold a manufacturer's license under W.S. 12-2-203(a).

16

17 **Section 2.** W.S 12-1-101(a)(viii)(E), (G), by creating  
18 new subparagraphs (J) through (S) and (xiv), 12-2-  
19 201(g)(iii), 12-2-203(e), 12-4-101(a), 12-4-103(a)(vi) and  
20 (b), 12-4-104(a) and (f), 12-4-410(b) and (d), 12-5-401(a)  
21 and (b)(ii) and 12-6-101(c)(v) and (vi) and by creating a  
22 new paragraph (vii) are amended to read:

23



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

2

3           (a) As used in this title:

4

5                   (viii) "Licensee" means a person holding a:

6

7                               (E) Twenty-four (24) hour malt beverage

8 permit;

9

10                               (G) Catering permit; ~~or~~

11

12                               (J) Malt beverage wholesale license;

13

14                               (K) Limited transportation liquor license;

15

16                               (M) Manufacturer's license;

17

18                               (N) Manufacturer's satellite permit;

19

20                               (O) Winery permit;

21

22                               (P) Winery satellite permit;

23

1 (Q) Out of state shipper's license;

2

3 (R) Microbrewery permit;

4

5 (S) Malt beverage permit for the University  
6 of Wyoming;

7

8 (T) Special malt beverage permit issued  
9 under W.S. 12-4-504;

10

11 (U) Malt beverage permit for the state fair  
12 board; or

13

14 (W) Malt beverage permit for events  
15 conducted at rodeo arenas issued under W.S. 12-4-507.

16

17 (xiv) "Restaurant" means space in a building  
18 maintained, advertised and held out to the public as a  
19 place where individually priced meals are prepared and  
20 served primarily for on-premise consumption and where the  
21 primary source of revenue from the operation is from the  
22 sale of food and not from the sale of alcoholic or malt  
23 beverages. ~~The building shall have a dining room or rooms,~~

1 ~~a kitchen and the number and kinds of employees necessary~~  
2 ~~for the preparing, cooking and serving of meals in order to~~  
3 ~~satisfy the licensing authority that the space is intended~~  
4 ~~for use as a full service restaurant. "Full service~~  
5 ~~restaurant" means a restaurant at which waiters or~~  
6 ~~waitresses deliver food and drink offered from a printed~~  
7 ~~food menu to patrons at tables or booths. The service of~~  
8 ~~only fry orders or such food and victuals as sandwiches,~~  
9 ~~hamburgers or salads shall not be deemed a restaurant for~~  
10 ~~the purposes of this section;~~

11

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

14

15 (g) ~~Notwithstanding W.S. 12-2-203,~~ The division:

16

17 (iii) ~~The division~~ shall not grant a license for  
18 a brewery and a microbrewery to the same producer.

19

20 **12-2-203. Manufacturing and rectifying; importing and**  
21 **industry representatives; licensing; fees.**

22

1 (e) No class A industry representative shall be  
 2 employed by a licensee as defined by W.S. 12-1-  
 3 101(a)(viii), except that this subsection shall not apply  
 4 to malt beverage wholesalers authorized under W.S. 12-2-  
 5 201, manufacturers authorized under this section,  
 6 microbrewery permit holders authorized under W.S. 12-4-412  
 7 or winery permit holders authorized under W.S. 12-4-414.

8

9 \*\*\*\*\*

10

STAFF COMMENT

11

12 At its September meeting, the Committee amended Section 1 of  
 13 the bill draft to increase the amount of wine a licensed  
 14 winery may ship directly to one household. The Committee  
 15 increased the limit from 36 liters to 12 cases of up to 9  
 16 liters each in any 12 month period. The Committee may wish to  
 17 consider making the same amendment to out-of-state direct  
 18 shippers of wine. Here is language to accomplish this:

19

20 12-2-204. Out-of-state shipment of manufactured wine;  
 21 license; fees; restrictions; conditions.

22

23 (a) Notwithstanding any law, rule or regulation to  
 24 the contrary, any person currently licensed in its state of  
 25 domicile as an alcoholic liquor or malt beverage  
 26 manufacturer, importer, wholesaler or retailer who obtains  
 27 an out-of-state shipper's license, as provided in this  
 28 section, may ship no more than a total of ~~thirty-six (36)~~  
 29 twelve (12) cases of up to nine (9) liters each of  
 30 manufactured wine directly to any one (1) household in this  
 31 state in any twelve (12) month period.

32

33 (d) Any out-of-state shippers licensed pursuant to  
 34 this section shall:

35

36 (i) Not ship more than a total of ~~thirty-six~~  
 37 ~~(36)~~ twelve (12) cases of up to nine (9) liters each of

1 manufactured wine to any one (1) household in this state  
2 during any twelve (12) month period. In the event any out-  
3 of-state shipper ships more than ninety (90) liters of any  
4 particular manufactured wine to any combination of  
5 households or licensed retailers in this state, the out-of-  
6 state shipper shall offer to sell the manufactured wine to  
7 the liquor division at wholesale prices;

8  
9 \*\*\*\*\*

10

11

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

15

16           (a) Incorporated cities, towns and counties within  
17 Wyoming shall license and regulate or prohibit the retail  
18 sale of alcoholic and malt beverages under this title.  
19 Nothing in this title prohibits a licensing authority of an  
20 incorporated city, town or county from issuing less than  
21 the total number of allowable ~~retail~~ liquor licenses  
22 ~~pursuant to W.S. 12-4-201, less than the allowable bar and~~  
23 ~~grill liquor licenses pursuant to W.S. 12-4-413~~ or from  
24 refusing to issue any license or permit authorized by this  
25 title.

26

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                   (vi)    A manufacturer of alcoholic beverages or  
8 wholesaler of malt beverages, except as authorized under  
9 W.S. 12-2-203(g) or as provided in W.S. ~~12-4-412(j)~~ 12-4-  
10 412(e);

11

12           (b)     Except as provided in W.S. 12-2-203, 12-4-301(e),  
13 12-4-412 and 12-4-414 no licensing authority shall issue  
14 more than one (1) license or permit to any one (1) person.

15

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

19

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

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

18

19 NOTICE OF APPLICATION FOR A ....

20

21 Notice is hereby given that on the .... day of ....  
22 (year) (name of applicant) filed an application for a ....  
23 license (permit), in the office of the clerk of the city

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

6

7 Dated ....

Signed ....

8

9 (f) Upon an appeal the person applying for renewal of  
10 a license ~~and claiming renewal preference~~ shall be named as  
11 plaintiff, with the licensing authority named as defendant.  
12 During the pendency of an appeal, a renewal license denied  
13 by a licensing authority shall not be granted to any other  
14 applicant. Upon notice of appeal the clerk shall transmit  
15 to the clerk of the district court a certified copy of the  
16 application, of each protest if any, and of the minutes  
17 recording the decision appealed from. The appeal shall be  
18 heard as a trial de novo with evidence taken and other  
19 proceedings had as in the trial of civil actions. The court  
20 may accept and consider as part of the record certified  
21 documents forwarded to the court by the clerk of the  
22 licensing authority. The case shall be heard promptly and  
23 the procedure shall conform to the Wyoming Rules of Civil



1 Procedure unless other procedures are provided for or  
2 required.

3

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

8

9 (b) Alcoholic liquor and malt beverages shall be  
10 dispensed and prepared for consumption in ~~one (1) room, and~~  
11 ~~one (1) additional room if authorized and~~ the licensed  
12 building in areas approved by the local licensing  
13 authority, ~~upon the licensed premises separated from the~~  
14 ~~dining area in which alcoholic and malt beverages may be~~  
15 ~~served and in the case of a golf course upon which a~~  
16 ~~restaurant liquor license is operational or in the case of~~  
17 ~~a guest ranch upon which a retail or restaurant liquor~~  
18 ~~license is operational, at dispensing areas on the premises~~  
19 ~~of the golf course or guest ranch as permitted by the~~  
20 ~~licensing authority.~~ No consumption of alcoholic or malt  
21 beverages shall be permitted within the dispensing areas.  
22 ~~room, nor shall any person other than employees over~~  
23 ~~eighteen (18) years of age be permitted to enter the~~

1 ~~dispensing room. If a restaurant has a dispensing room~~  
2 ~~separate from the dining area which is licensed prior to~~  
3 ~~February 1, 1979 for purposes of alcoholic or malt beverage~~  
4 ~~sales and consumption, the restaurant may dispense~~  
5 ~~alcoholic or malt beverages in the separate dispensing room~~  
6 ~~under a restaurant liquor license, and any person over~~  
7 ~~eighteen (18) years of age is permitted to enter the~~  
8 ~~separate dispensing room.~~

9  
10 (d) No restaurant liquor licensee shall promote or  
11 operate the restaurant as a bar and lounge. ~~nor shall the~~  
12 ~~licensee compete with a retail liquor licensee in~~  
13 ~~activities other than dinner functions, including, but not~~  
14 ~~limited to, dances, receptions and other social gatherings.~~  
15 ~~Nothing in this subsection shall require a restaurant~~  
16 ~~liquor licensee to reconstruct or remodel licensed premises~~  
17 ~~existing on or before June 8, 1989.~~

18  
19 **12-5-401. Interests in licenses or permits to sell.**

20  
21 (a) No industry representative shall hold any  
22 interest, stock or ownership directly or indirectly, in any  
23 license to sell products of the industry at retail under

1 privileges of a license or permit to sell any beverage or  
2 liquor in Wyoming or in any premises so licensed. This  
3 section shall not apply to any person holding a  
4 microbrewery ~~or winery~~ permit pursuant to W.S. 12-4-412 or  
5 a winery permit pursuant to W.S. 12-4-414. This section  
6 shall also not apply to a person holding a manufacturer's  
7 license under W.S. 12-2-203(a) when the license is held  
8 under the complete ownership of a retail business and to  
9 the extent he may be permitted one (1) satellite  
10 manufacturer's permit pursuant to W.S. 12-2-203(g)(i) or an  
11 off-premises permit pursuant to W.S. 12-2-203(g)(ii).

12

13 (b) As used in subsection (a) of this section:

14

15 (ii) "Retail business" means the holder of a  
16 microbrewery ~~or winery~~ permit who also holds a license or  
17 permit enumerated under W.S. ~~12-4-412(b)(iii) or (k)~~ 12-4-  
18 412(b)(ii) or (f) or the holder of a winery permit who also  
19 holds a license or permit enumerated under W.S. 12-4-  
20 414(b)(ii).

21

22 **12-6-101. Sale or possession prohibited; when**  
23 **possession unlawful; public drunkenness; falsification of**

1 identification; penalty; prima facie identification as  
2 defense.

3

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

6

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

9

10 (vi) Enter or remain in ~~an establishment~~  
11 designated sales areas approved by the local licensing  
12 authority that is primarily for off-premise sales of  
13 alcoholic liquor or malt beverages unless accompanied by a  
14 parent, spouse or legal guardian who is twenty-one (21)  
15 years of age or older; ~~or~~ or

16

17 (vii) Dispense or sell any alcoholic liquor or  
18 malt beverage. The term "dispensing" means mixing or  
19 pouring alcoholic liquors or malt beverages.

20

21 **Section 3.** W.S. 12-4-412 is repealed and recreated as  
22 12-4-412 to read:

23

1           **12-4-412.           Microbrewery   permits;   authorized;**  
2 **conditions; dual permits and licenses; fees.**

3

4           (a) Subject to restrictions imposed under W.S. 12-4-  
5 103 excluding W.S. 12-4-103(a)(vi), a local licensing  
6 authority may issue a microbrewery permit authorizing a  
7 permit holder to brew a malt beverage and dispense the  
8 brewed malt beverage for on-premises and limited off-  
9 premises personal consumption. Any microbrewery permit  
10 holder shall:

11

12           (i) File a monthly report of brewed malt beverage  
13 the permit holder produced on a form provided by the liquor  
14 division. The report shall be filed with the liquor  
15 division not later than the tenth day of each month  
16 following the month in which the brewed malt beverage was  
17 produced. Any report filed late with the liquor division  
18 shall be subject to a late filing fee of twenty-five  
19 dollars (\$25.00);

20

21           (ii) Maintain records for at least three (3)  
22 years that will permit the liquor division to ascertain the  
23 truthfulness of the information filed and permit the

1 division to perform an audit of the licensee's records upon  
2 reasonable request.

3

4 (b) The local licensing authority:

5

6 (i) May allow the sale of malt beverage obtained  
7 through a contract brewing arrangement and other malt  
8 beverages under a microbrewery permit for on-premises  
9 consumption when obtained through licensed wholesale malt  
10 beverage distributors;

11

12 (ii) May approve the dual holding of a  
13 microbrewery permit and one (1) of the following:

14

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

17

18 (B) Subject to subsection (c) of this  
19 section, a restaurant license as provided in W.S. 12-4-407  
20 through 12-4-411;

21

22 (C) A resort license as provided in W.S.  
23 12-4-401 through 12-4-405;

1

2 (D) A winery permit as provided under W.S.  
3 12-4-414(a);

4

5 (E) Subject to subsection (c) of this  
6 section, a bar and grill liquor license as provided in W.S.  
7 12-4-413.

8

9 (iii) May allow the microbrewery to sell on site  
10 its brewed product and its malt beverage obtained through a  
11 contract brewing arrangement for off-premises personal  
12 consumption, not for retail sale, in packaging of bottles,  
13 cans or packs of an aggregate volume not to exceed two  
14 thousand (2,000) ounces per sale;

15

16 (iv) In accordance with the process established  
17 under article 1 of this chapter, may allow the transfer of  
18 a microbrewery permit to another location and ownership of  
19 the microbrewery may be transferred upon approval by the  
20 local licensing authority; and

21

22 (v) Shall assess a fee of not less than three  
23 hundred dollars (\$300.00) nor more than five hundred

1 dollars (\$500.00) payable annually in advance for each  
2 microbrewery permit. When dual ownership of a microbrewery  
3 permit and a liquor license exists no additional fee shall  
4 be assessed other than the retail, restaurant, bar and  
5 grill or resort license fee.

6

7 (c) W.S. 12-4-410 shall apply to any person holding a  
8 microbrewery permit and a restaurant liquor license  
9 pursuant to subparagraph (b)(ii)(B) of this section and  
10 W.S. 12-4-413 shall apply to any person holding a  
11 microbrewery permit and a bar and grill liquor license  
12 pursuant to subparagraph (b)(ii)(E) of this section, except  
13 that either dual holder:

14

15 (i) May sell the brewed malt beverage for  
16 limited off-premises personal consumption pursuant to  
17 paragraph (b)(iii) of this section;

18

19 (ii) May upon cessation of full service  
20 restaurant operations, serve a limited menu and continue to  
21 serve malt beverages authorized under the microbrewery  
22 permit;

23



1           (iii) Shall not include sales of malt beverages  
2 authorized under the microbrewery permit, or sales other  
3 than food service and alcoholic beverages, in the annual  
4 gross sales report required under W.S. 12-4-408(c).

5  
6           (d) In addition to subsection (b) of this section,  
7 the local licensing authority may authorize a microbrewery  
8 to operate at more than one (1) location. The local  
9 licensing authority may require the payment of an  
10 additional permit fee not to exceed one hundred dollars  
11 (\$100.00) regardless of the number of locations authorized  
12 for the microbrewery. All locations shall be subject to all  
13 provisions of this title related to the operation of a  
14 microbrewery.

15  
16           (e) In addition to the one (1) additional license or  
17 permit authorized under paragraph (b)(ii) of this section,  
18 the holder of a microbrewery permit under this section may  
19 also hold a malt beverage permit under W.S. 12-4-502(a) for  
20 the purpose of selling its own brewed malt beverages.

21  
22           (f) In addition to the one (1) additional license or  
23 permit authorized under paragraph (b)(ii) of this section,

1 the holder of a microbrewery permit under this section may  
2 also hold a manufacturer's license under W.S. 12-2-203(a).

3

4 **Section 4.** W.S. 12-2-201(g)(i) and (ii), 12-2-501  
5 through 12-2-505, 12-4-102(a)(vii) and (viii), 12-4-103(c)  
6 and (d), 12-4-409, 12-4-410(f) and 12-9-102(a)(ix)(D) are  
7 repealed.

8

9 \*\*\*\*\*

10

**STAFF COMMENT**

11

12 **Provisions repealed by this bill draft are shown in**  
13 **italics.**

14

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

17

18 (g) Notwithstanding W.S. 12-2-203, the division:

19

20 (i) *May authorize the sale of products of a*  
21 *microbrewery for off-premises sale through existing*  
22 *licensed wholesale malt beverage distributors according to*  
23 *W.S. 12-2-201 and subject to W.S. 12-2-304, 12-3-101 and*  
24 *12-3-102; and*

25

26 (ii) *Shall assess to the microbrewery a fee not*  
27 *to exceed two hundred dollars (\$200.00) for the off-*  
28 *premises sale of microbrewery products;*

29

30 **12-2-501. Definition.**

31

32 *As used in this article "beer keg" means any brewery*  
33 *sealed, single container that contains not less than seven*  
34 *(7) gallons of malt beverage.*

35

36 **12-2-502. Sale of beer kegs.**

37

1 No licensee shall sell beer kegs unless that licensee  
2 affixes an identification label or tag to each beer keg.  
3 An identification label or tag provided by the division  
4 shall consist of paper, plastic, metal or another durable  
5 material that is not easily damaged or destroyed.  
6 Identification labels may contain a nonpermanent adhesive  
7 material in order to apply the label directly to an outside  
8 surface of a beer keg at the time of sale. Identification  
9 tags shall be attached to beer kegs at the time of sale  
10 with nylon ties or cording, wire ties or other metal  
11 attachment devices, or another durable means of tying or  
12 attaching the tag to the beer keg. The identification  
13 information contained on the label or tag shall include the  
14 licensee's name, address and telephone number, and a unique  
15 beer keg number assigned by the licensee. A prominently  
16 visible warning that intentional removal or alteration of  
17 the label or tag is a criminal offense shall be placed on  
18 the tag. Upon return of a beer keg to the licensee that  
19 sold the beer keg and attached the identification label or  
20 tag, the licensee shall be responsible for the complete and  
21 thorough removal of the entire identification label or tag,  
22 and any adhesive or attachment devices on the label or tag.  
23 The identification label or tag shall be kept on file with  
24 the licensee for not less than ninety (90) days after the  
25 date of return.

26

27 **12-2-503. Licensee to keep records.**

28

29 (a) A licensee at the time of selling any beer keg  
30 shall record:

31

32 (i) The number on the purchaser's:

33

34 (A) Motor vehicle driver's license issued  
35 by any state, territory or possession of the United States,  
36 the District of Columbia, the Commonwealth of Puerto Rico  
37 or by an official governmental agency of Canada or Mexico;

38

39 (B) Permanent resident card issued by the  
40 United States citizenship and immigration services;

41

42 (C) An identification card issued to a  
43 member of the armed forces;

44

1                   (D)     An internationally accepted passport  
2 document with a discernible date of birth and photograph;  
3 or  
4

5                   (E)     Valid picture identification card  
6 issued by any state, territory or possession of the United  
7 States, the District of Columbia or the Commonwealth of  
8 Puerto Rico.  
9

10                   (ii)    The date and time of the purchase;

11  
12                   (iii)   The beer keg identification number; and

13  
14                   (iv)    The purchaser's signature.  
15

16                   (b)     The record shall be retained for not less than  
17 ninety (90) days after the date of the sale.  
18

19                   **12-2-504. Access to records.**  
20

21 A licensee required to retain records under W.S. 12-2-502  
22 or 12-2-503(b) shall make the records available during  
23 regular business hours for inspection by a peace officer or  
24 the division.  
25

26                   **12-2-505. Violation.**  
27

28                   (a)     A person who is required to record information  
29 shall not knowingly make a materially false entry in the  
30 book or register required under W.S. 12-2-503. Any person  
31 who violates this subsection is guilty of a misdemeanor  
32 punishable by a fine of not more than five hundred dollars  
33 (\$500.00).  
34

35                   (b)     Any person who removes or alters an  
36 identification tag or label affixed to a beer keg as  
37 required by W.S. 12-2-502, other than the licensee acting  
38 in accordance with W.S. 12-2-502, is guilty of a  
39 misdemeanor punishable by a fine of not more than five  
40 hundred dollars (\$500.00).  
41

42                   **12-4-102. Application for licenses and permits;**  
43 **contents; signature and verification.**  
44

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

9  
10           (vii)   The site and the zoning of the site where  
11 the applicant will sell under the license;

12  
13           (viii)   If application is for a retail license  
14 renewal, the applicant shall provide documentation to the  
15 local licensing authority that minimum purchase  
16 requirements specified in W.S. 12-4-103(c) have been met.

17  
18           **12-4-103.       Restrictions upon license or permit**  
19 **applicants and holders; license limitation per person.**

20  
21           (c)       Except as provided in subsection (d) of this  
22 section, a retail liquor license shall not be renewed if  
23 the licensee did not, during the previous one (1) year term  
24 of the license, purchase at least two thousand dollars  
25 (\$2,000.00) of alcoholic or malt beverages or a combination  
26 thereof from the division or any authorized malt beverage  
27 wholesaler.

28  
29           (d)       Subsection (c) of this section shall not apply  
30 to:

31  
32           (i)       Any licensee or permittee having a planned  
33 but not physically functional building pursuant to  
34 paragraph (a)(iv) of this section;

35  
36           (ii)      Holders of special permits issued under  
37 article 5 of this chapter;

38  
39           (iii)     Holders of a limited transportation liquor  
40 license under W.S. 12-2-202.

41  
42           **12-4-409.   Transfer of licenses.**

43  
44           No restaurant liquor license shall be transferred to  
45 another location. License ownership may be transferred to a

1 purchaser or lessee of the licensed premises with the  
2 approval of the appropriate licensing authority.

3

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

8

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

15

16 **12-9-102. Definitions.**

17

18 (a) As used in this act:

19

20 (ix) "Good cause" means:

21

22 (D) The distributor intentionally sells the  
23 supplier's products to a retailer or retailers outside that  
24 distributor's assigned territory;

25

26 \*\*\*\*\*

27

28 **Section 5.** This act is effective July 1, 2021.

29

30 (END)