

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Alcoholic beverage regulation-amendments.

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

A BILL

for

1 AN ACT relating to alcoholic beverages; creating, amending
2 and repealing statutes governing the regulation of
3 alcoholic liquors and malt beverages; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 12-5-601 is created to read:

9

10

ARTICLE 6

11

DELIVERY

12

1 **12-5-601. Delivery of alcoholic liquors and malt**
2 **beverages.**

3

4 (a) Retail liquor licensees, microbrewery permit
5 holders, winery permit holders, winery satellite permit
6 holders and manufacturer licensees with a satellite
7 location may deliver or contract to have delivered
8 alcoholic liquors and malt beverages to customers provided:

9

10 (i) All sales of alcoholic liquors and malt
11 beverages under this subsection shall take place in the
12 licensed building. Orders of alcoholic liquors and malt
13 beverages may be placed by phone, online or through a
14 mobile application;

15

16 (ii) No order shall be received nor shall any
17 delivery be made to or by a person under the age of twenty-
18 one (21) years. All deliveries shall require the purchaser
19 to provide to the deliverer a valid government issued
20 identification demonstrating the purchaser is twenty-one
21 (21) years of age or older;

22

1 (iii) All package sales and deliveries of
2 alcoholic liquors and malt beverages for off-premises
3 consumption shall be sealed. For purposes of this
4 paragraph, "sealed" means a product enclosed:

5

6 (A) In its original package and unopened;

7

8 (B) In a plastic bag and heat sealed closed;

9 or

10

11 (C) In a container that has a breakable seal
12 incorporated in the container cap.

13

14 (iv) Any contract delivery service shall adhere
15 to the requirements of this subsection when delivering
16 alcoholic liquors and malt beverages. No delivery conducted
17 under this subsection shall be through a common carrier;
18 and

19

20 (v) Microbrewery permit holders, winery permit
21 holders, winery satellite permit holders and manufacturer
22 licensees with a satellite location shall only deliver or

1 contract to have delivered their respective manufactured
2 products.

3

4 **Section 2.** W.S. 12-2-203(b) and (c), 12-4-103(a)(vi),
5 12-4-201(f)(iii) and by creating a new subsection (k), 12-
6 4-301(c) and (e), 12-4-403(b), 12-4-411, 12-4-412(a)(i),
7 (c)(intro) and (e)(intro), 12-4-502(a) through (c), 12-4-
8 504(a), 12-4-603(a), 12-4-604, 12-5-201(f) and 12-5-
9 401(b)(ii) are amended to read:

10

11 **12-2-203. Manufacturing and rectifying; importing and**
12 **industry representatives; licensing; fees.**

13

14 (b) The Wyoming liquor division shall grant a class A
15 industry representative license for alcoholic liquor
16 suppliers to a qualified individual ~~domiciled within this~~
17 ~~state~~ who submits an application to the division on forms
18 provided by the division accompanied by an annual license
19 fee of not to exceed seven hundred fifty dollars (\$750.00).
20 A class A industry representative shall have a written
21 statement from any vendor whose products the applicant
22 proposes to represent. The class A industry representative
23 shall be published in the division's price catalog with the

1 products from any vendor represented by him and shall be
2 authorized to request that the division list or delist
3 products from the vendor represented by him.

4
5 (c) The division shall grant a class B industry
6 representative license for alcohol liquor suppliers to a
7 qualified individual ~~domiciled within this state~~ who
8 submits an application to the division on forms provided by
9 the division accompanied by an annual license fee of not to
10 exceed two hundred fifty dollars (\$250.00). A class B
11 industry representative shall be employed or managed by a
12 class A industry representative. A class B industry
13 representative shall have a written statement from the
14 class A industry representative designating any vendor
15 whose products he is authorized to represent.

16
17 **12-4-103. Restrictions upon license or permit**
18 **applicants and holders; license limitation per person.**

19
20 (a) A license or permit authorized by this title
21 shall not be held by, issued or transferred to:

22

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

4

5 **12-4-201. Retail liquor licenses and malt beverage**
6 **permits; population formulas; fees.**

7

8 (f) Retail liquor licenses and malt beverage permits
9 may be granted by the county commissioners as the
10 appropriate licensing authority in a county outside of
11 incorporated cities and towns as follows:

12

13 (iii) Malt beverage permits may be issued for
14 county locations ~~beyond a five (5) mile zone around~~
15 ~~incorporated cities and towns~~ without regard to population.

16

17 (k) A retail liquor licensee may ship not more than a
18 total of thirty-six (36) liters of manufactured wine
19 directly to any one (1) household in this state in any
20 twelve (12) month period provided the licensee:

21

1 (i) Ships the 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 (ii) Ensures that all shipping containers of
6 manufactured wine shipped pursuant to this subsection are
7 conspicuously labeled with the words: "CONTAINS ALCOHOLIC
8 BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR
9 DELIVERY"; and

10
11 (iii) Ensures that all of its shipments within
12 this 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 **12-4-301. Sales by clubs; license fees; petition;**
17 **license restrictions.**

18
19 (c) Except as otherwise provided by W.S. ~~12-5-201(g)~~
20 ~~12-5-201(f)~~, a club holding a limited retail license may
21 sell alcoholic or malt beverages for consumption anywhere
22 on the licensed premises for consumption by its members and

1 their accompanied guests only as approved by the local
2 licensing authority.

3

4 (e) ~~Notwithstanding W.S. 12-4-103(b),~~ A political
5 subdivision of the state may hold no more than two (2) club
6 limited retail liquor licenses for golf courses owned,
7 maintained or operated by that political subdivision in
8 addition to any other license held by that political
9 subdivision.

10

11 **12-4-403. Population formula not applicable;**
12 **contracting for services.**

13

14 (b) ~~No resort liquor license may be transferred to~~
15 ~~another location. License ownership may be transferred to a~~
16 ~~purchaser or licensee of the licensed premises with the~~
17 ~~approval of the licensing authority. No transfer of a~~
18 ~~resort liquor license shall be required where the license~~
19 ~~is used by a person with whom the~~ A resort liquor licensee
20 ~~has contracted~~ may contract or ~~subcontracted~~ subcontract
21 for the provision of food and beverage services on the
22 licensed premises. However, the resort liquor licensee
23 shall remain subject to all applicable laws, rules,

1 regulations and penalties including the provisions of W.S.
2 12-2-306 and 12-7-103.

3

4 **12-4-411. License fee.**

5

6 The annual fee for a restaurant liquor license shall be no
7 more than three thousand dollars (\$3,000.00) and no less
8 than five hundred dollars (\$500.00). ~~The license fee for a~~
9 ~~county restaurant liquor license within five (5) miles of a~~
10 ~~city or town shall not be less than the restaurant liquor~~
11 ~~license fee charged by that city or town.~~

12

13 **12-4-412. Microbrewery and winery permits;**
14 **authorized; conditions; satellite winery permits; direct**
15 **shipment of wine; fees.**

16

17 (a) Subject to restrictions imposed under W.S. 12-4-
18 103 excluding W.S. 12-4-103(a)(vi), a local licensing
19 authority may issue:

20

21 (i) A microbrewery permit authorizing a permit
22 holder to brew a malt beverage and dispense the brewed malt
23 beverage for on-premises and limited off-premises personal

1 consumption. Notwithstanding W.S. 12-5-201 and for the
 2 purposes of this paragraph, "on-premises" may include a
 3 fenced or enclosed area immediately adjacent to the
 4 licensed brewing site as approved by the local licensing
 5 authority. The dispensing of malt beverages in an
 6 immediately adjacent area authorized by this paragraph
 7 shall be subject to the schedule of operating hours set
 8 pursuant to W.S. 12-5-101;

9
 10 (c) W.S. 12-4-410 shall apply to any person holding a
 11 microbrewery or winery permit and a restaurant liquor
 12 license, ~~pursuant to subparagraph (b)(iii)(B) of this~~
 13 ~~section,~~ except the dual holder:

14
 15 (e) The provisions of W.S. 12-4-413 shall apply to
 16 any person holding a microbrewery or winery permit and a
 17 bar and grill liquor license, ~~pursuant to subparagraph~~
 18 ~~(b)(iii)(F) of this section,~~ except the dual holder:

19
 20 *****
 21 STAFF COMMENT

22
 23 The next portion of this section amends W.S. 12-4-502,
 24 including subsections (a) and (b), which govern special malt
 25 beverage permits and special catering permits. The language
 26 added provides that these permits shall not be used to

1 operate a continuing business. The Committee may wish to
 2 clarify what constitutes a continuing business. For example,
 3 the Committee could limit issuance of these permits to
 4 businesses that make some percentage of profits from sources
 5 other than selling alcoholic beverages. This would be similar
 6 to an existing restriction on a restaurant liquor license or
 7 a bar and grill liquor license.

8
 9 *****
 10

11 12-4-502. Twenty-four hour malt beverage permit and
 12 catering permit; restrictions; application procedure; fees.

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

23 Malt beverage permits shall not be used to operate a
 24 continuing business.

25
 26 (b) A catering permit authorizing the sale of
 27 alcoholic and malt beverages may be issued by the

1 appropriate licensing authority to any person holding a
2 retail or resort retail liquor license authorizing the off-
3 premises sale of both alcoholic and malt beverages, for
4 sales at ~~meetings, conventions, private parties and dinners~~
5 ~~or at other similar gatherings~~ events not capable of being
6 held within the licensee's licensed premises. No licensee
7 holding a catering permit shall sell or permit consumption
8 of any alcoholic or malt beverage off the premises
9 described in the permit. Notwithstanding any other
10 provision of this subsection, closed-container items sold
11 at auction for the benefit of a nonprofit organization may
12 be taken off-premises. Catering permits shall not be used
13 to operate a continuing business.

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 set pursuant to W.S. 12-5-
18 101. No person or organization shall receive more than a
19 total of twelve (12) malt beverage and thirty-six (36)
20 catering permits for sales at the same premises in any one
21 (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. The licensing authority shall establish an
14 appropriate fee for the permit. Additionally, the licensing
15 authority shall specify the duration of the permit and
16 where malt beverages may be sold and consumed under the
17 permit. The issuing body may provide rules to implement
18 this section.

19
20 **12-4-603. Annexation of retail liquor license or malt**
21 **beverage permit into 5-mile zone; renewal.**

22

1 (a) A county retail liquor license ~~or malt beverage~~
2 ~~permit~~ having licensed premises located within a five (5)
3 mile zone around an incorporated city or town because of
4 annexation of property shall not be denied an application
5 for renewal by reason of annexation alone. ~~The license or~~
6 ~~permit shall be subject to renewal by the county licensing~~
7 ~~authority in the same manner as if the licensed premises~~
8 ~~were beyond the five (5) mile zone around a city or town.~~

9
10 **12-4-604. Transfer or sale of license or permit;**
11 **attachment, garnishment or execution.**

12
13 No license or permit shall be transferred or sold except as
14 provided by W.S. 12-4-601 ~~through 12-4-603~~ and 12-4-602,
15 used for any place not described in the license or permit
16 at the time of issuance or subject to attachment,
17 garnishment or execution.

18
19 **12-5-201. Location, regulation and restrictions as to**
20 **place of sale; inspections.**

21
22 (f) A holder of a resort retail liquor license, a
23 golf club that holds a retail liquor license, a restaurant

1 liquor license or a club limited retail liquor license or a
2 holder of a retail liquor license or restaurant liquor
3 license operating on a guest ranch may dispense alcoholic
4 beverages from any location within the boundaries of the
5 ~~resort~~-licensee's premises. The ~~resort~~-premises shall be a
6 single property within a contiguous boundary upon which the
7 ~~resort~~-licensee is located and which shall be identified in
8 the license. Any location on the ~~resort~~-premises where
9 alcoholic beverages are dispensed as approved by the
10 licensing authority shall comply with applicable sanitation
11 and fire hazard requirements and other applicable laws.
12 The licensing authority shall, as often as necessary,
13 inspect the licensed location where alcoholic beverages are
14 dispensed to ensure that the licensee is in compliance with
15 sanitation and fire hazard requirements.

16

17 **12-5-401. Interests in licenses or permits to sell.**

18

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

20

21 (ii) "Retail business" means the holder of a
22 microbrewery or winery permit, ~~who also holds a license or~~
23 ~~permit enumerated under W.S. 12-4-412(b)(iii) or (k).~~

1

2

(b) The local licensing authority:

3

4

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

5

6

7

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

8

9

10

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

11

12

13

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

14

15

16

(D) A microbrewery permit as provided under paragraph (a)(i) of this section;

17

18

19

(E) A winery permit as provided under paragraph (a)(ii) of this section; or

20

21

22

(F) Subject to subsection (e) of this section, a bar and grill liquor license as provided in W.S. 12-4-413.

23

24

25

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

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27

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

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12-4-505. Malt beverage permit for annual state fair.

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(a) Upon application, the appropriate licensing authority shall issue to the state fair board a malt beverage permit for the sale of malt beverages only on the state fairgrounds during the annual state fair. W.S. 12-5-201 does not apply to this subsection. The issuance of a

1 malt beverage permit under this subsection shall not be
2 considered an alcoholic beverage permit issued on the basis
3 of population as provided in W.S. 12-4-201. Malt beverages
4 shall only be sold for consumption under this permit on the
5 state fairgrounds during the annual state fair in areas
6 specifically designated by the state fair board.

7
8 (b) The fee for the permit provided by subsection (a)
9 of this section is one hundred dollars (\$100.00).

10
11 **12-4-602. Annexations; transfer of licensing**
12 **jurisdiction; licenses transferred exempt from population**
13 **formula.**

14
15 (c) A county license transferred within the
16 jurisdiction of a city or town pursuant to annexation shall
17 not be transferred to or renewed on different premises
18 within the city or town for a period of six (6) years after
19 the transfer of jurisdiction.

20
21 **12-4-603. Annexation of retail liquor license or malt**
22 **beverage permit into 5-mile zone; renewal.**

23
24 (b) A county retail liquor license or malt beverage
25 permit renewed in accordance with subsection (a) of this
26 section shall not be transferred to or renewed on different
27 premises within a five (5) mile zone around an incorporated
28 city or town for a period of six (6) years following the
29 date of annexation of property.

30
31 **12-5-201. Location, regulation and restrictions as to**
32 **place of sale; inspections.**

33
34 (g) Any golf club as defined by W.S. 12-1-
35 101(a)(iii)(D) which holds a retail liquor license or a
36 club limited retail liquor license under W.S. 12-4-301 may
37 dispense alcoholic beverages from any location within the
38 boundaries of the golf club premises. The premises shall be
39 a single property within a contiguous boundary upon which
40 the golf club is located and which shall be identified in
41 the license. Any location on the golf club premises where
42 alcoholic beverages are dispensed as approved by the
43 licensing authority shall comply with applicable sanitation
44 and fire hazard requirements and other applicable laws.
45 The licensing authority shall, as often as necessary,

1 inspect 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 Holders shall comply with all applicable sanitation and
 16 fire hazard requirements, and other applicable laws.

17

18 (j) Any retail or restaurant liquor licensee
 19 operating on a guest ranch as defined by W.S. 12-1-
 20 101(a)(xxiii) may dispense alcoholic beverages from any
 21 location within the boundaries of the guest ranch premises.
 22 The guest ranch premises shall be a single property within
 23 a contiguous boundary upon which the guest ranch is located
 24 and which shall be identified in the license. The
 25 licensing authority shall, as often as necessary, inspect
 26 the licensed location where alcoholic beverages are
 27 dispensed to ensure that the licensee is in compliance with
 28 sanitation and fire hazard requirements and other
 29 applicable laws.

30

31 *****

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33

34 **Section 4.** This act is effective July 1, 2021.

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(END)