

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Bar and grill liquor license amendments.

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

A BILL

for

1 AN ACT relating to alcoholic beverages; amending bar and grill
2 liquor license requirements; specifying sunset dates for bar
3 and grill license population formulas; specifying a sunset
4 date for restaurant liquor licenses; providing for
5 rulemaking; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 12-4-407 by creating a new subsection
10 (e), 12-4-108 by creating a new subsection (d), 12-4-410 by
11 creating a new subsection (g), 12-4-411 and by creating a new
12 subsection (b), 12-4-413(b) by creating new paragraphs (v)

1 through (vii), (c) by creating new paragraphs (ii) through
2 (iv), (d) (intro), (f) (intro) and by creating new paragraphs
3 (i) through (iii) and by creating new subsections (g) through
4 (m) are amended to read:

5
6 **12-4-407. Restaurant liquor license; authorized.**

7
8 (e) This section is repealed effective June 30, 2033.

9
10 **12-4-408. Revenues of licensee to be derived primarily**
11 **from food services and not the sale of alcoholic beverages;**
12 **annual report.**

13
14 (d) This section is repealed effective June 30, 2033.

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

19
20 (g) This section is repealed effective June 30, 2033.

21
22 **12-4-411. License fee.**

1 (a) The annual fee for a restaurant liquor license
2 shall be no more than three thousand dollars (\$3,000.00) and
3 no less than five hundred dollars (\$500.00).

4
5 (b) This section is repealed effective June 30, 2033.

6
7 **12-4-413. Bar and grill liquor license; authorized;**
8 **requirements.**

9
10 (b) ~~The number of bar and grill liquor licenses for~~
11 ~~cities and towns shall be based on the following population~~
12 ~~formula~~ Bar and grill liquor licenses shall be issued as
13 follows:

14
15 (v) Beginning July 1, 2023, the number of bar and
16 grill liquor licenses for cities and towns shall be based on
17 the following population formula:

18
19 (A) Not more than four (4) licenses in
20 incorporated cities or towns of seven thousand five hundred
21 (7,500) or less; and

22

1 (B) Not more than ten (10) licenses for
2 populations in incorporated cities between seven thousand
3 five hundred one (7,501) and twenty thousand (20,000); and

4
5 (C) Not more than fourteen (14) licenses for
6 populations in incorporated cities between twenty thousand
7 one (20,001) and thirty thousand (30,000); and

8
9 (D) Not more than one (1) additional license
10 for each additional five thousand 5,000) population in
11 incorporated cities over thirty thousand (30,000);

12
13 (E) This paragraph is repealed effective June
14 30, 2028.

15
16 (vi) Beginning July 1, 2028, the number of bar and
17 grill liquor licenses for cities and towns shall be based on
18 the following population formula:

19
20 (A) Not more than six (6) licenses in
21 incorporated cities or towns of seven thousand five hundred
22 (7,500) or less; and

23

1 (B) Not more than fourteen (14) licenses for
2 population in incorporated cities between seven thousand five
3 hundred one (7,501) and twenty thousand (20,000); and

4
5 (C) Not more than eighteen (18) licenses for
6 population in incorporated cities between twenty thousand one
7 (20,001) and thirty thousand (30,000); and

8
9 (D) Not more than one (1) additional license
10 for each additional three thousand (3,000) population in
11 incorporated cities over thirty thousand (30,000);

12
13 (E) This paragraph is repealed effective June
14 30, 2033.

15
16 (vii) Beginning July 1, 2033, population formulas
17 shall have no application to issuance of bar and grill liquor
18 licenses.

19
20 (c) Bar and grill liquor licenses may be granted by the
21 county commissioners as the appropriate licensing authority
22 in a county outside of incorporated cities and towns as
23 follows:

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(ii) Beginning July 1, 2023, four (4) licenses for each seven thousand five hundred (7,500) population residing outside incorporated cities and towns. This paragraph is repealed effective June 30, 2028.

(iii) Beginning July 1, 2028, six (6) licenses for each seven thousand five hundred (7,500) population residing outside incorporated cities and towns.

(iv) This subsection is repealed effective June 30, 2033.

(d) The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars (\$1,500.00) nor more than ten thousand five hundred dollars (\$10,500.00). This subsection is repealed effective June 30, 2033.

(f) ~~Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses.~~ Bar and grill liquor licensees shall not sell

1 alcoholic or malt beverages for off-premises consumption from
2 the licensed building owned or leased by the licensee except
3 as allowed under ~~W.S. 12-4-410(e).~~ this subsection. The
4 following shall apply to sales of alcoholic and malt
5 beverages:

6
7 (i) All sales of alcoholic and malt beverages
8 authorized by a bar and grill liquor license shall cease at
9 the time food sales and services cease or at the hours
10 specified by W.S. 12-5-101(a) if food sales and services
11 extend beyond the hours specified therein;

12
13 (ii) A bar and grill liquor licensee may permit a
14 patron to remove one (1) partially consumed bottle of wine
15 for off-premises consumption provided that the patron has
16 purchased a full course meal and consumed a portion of the
17 bottle of wine with the meal on the bar and grill premises.
18 For purposes of this paragraph the term "full course meal"
19 shall mean food which cannot conveniently be consumed while
20 standing or walking. A partially consumed bottle of wine that
21 is to be removed from the premises pursuant to this paragraph
22 shall be securely sealed by the licensee or an agent of the
23 licensee and placed in a tamper-proof transparent bag which

1 shall also be securely sealed prior to removal from the
2 premises, so that it is visibly apparent that the resealed
3 bottle of wine has not been tampered with. The licensee or
4 agent of the licensee shall provide a dated receipt for the
5 bottle of wine to the patron. Wine which is resealed in
6 accordance with the provisions of this paragraph shall not be
7 deemed an open container for purposes of W.S. 31-5-235;

8
9 (iii) Alcoholic liquor and malt beverages shall be
10 dispensed and prepared for consumption in the licensed
11 building in areas approved by the local licensing authority.
12 No consumption of alcoholic or malt beverages shall be
13 permitted within the dispensing areas nor shall any person
14 other than employees over eighteen (18) years of age be
15 permitted to enter the dispensing areas.

16
17 (g) No bar and grill liquor licensee shall promote or
18 operate the bar and grill as a bar and lounge.

19
20 (h) An applicant for a bar and grill liquor license
21 shall satisfy the appropriate licensing authority that the
22 not less than sixty percent (60%) of revenue from the
23 operation of the bar and grill to be licensed will be derived

1 from food services and not from the sale of alcoholic or malt
2 beverages.

3
4 (j) When renewing a bar and grill liquor license, the
5 appropriate licensing authority shall condition renewal upon
6 a requirement that not less than sixty percent (60%) of gross
7 sales from the preceding twelve (12) months operation of a
8 licensed bar and grill be derived from food services.

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10 (k) Upon application for license renewal, a license
11 holder shall submit an annual report to the licensing
12 authority on the sales of the licensed bar and grill. The
13 report shall contain the annual gross sales figures of the
14 bar and grill and shall separate the gross sales figures into
15 two (2) categories:

16
17 (i) Food service sales; and

18
19 (ii) Alcoholic and malt beverage sales.

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21 (m) Beginning July 1, 2033, the annual fee for a bar
22 and grill liquor license shall be no more than three thousand

dollars (\$3,000.00) and no less than five hundred dollars
(\$500.00).

Section 2. W.S. 12-4-413(b)(i) through (iv) and (c)(i)
are repealed.

Section 3. The liquor division and the department of
revenue shall promulgate any rules necessary to implement
this act.

Section 4.

(a) Except as otherwise provided by subsection (b) of
this section, this act is effective July 1, 2023.

(b) Sections 3 and 4 of this act are effective
immediately upon completion of all acts necessary for a bill
to become law as provided by Article 4, Section 8 of the
Wyoming Constitution.

(END)