

HOUSE BILL NO. HB0013

Alcoholic beverage regulation.

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; creating, revising and repealing provisions
3 governing the regulation of alcoholic and malt beverages;
4 and providing 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, 12-4-415 and 12-5-601 are
9 created to read:

10

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

13

14 (a) Subject to restrictions imposed under W.S.
15 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing

1 authority may issue a winery permit authorizing a permit
2 holder to manufacture wine and dispense the manufactured
3 wine for on-premises and limited off-premises personal
4 consumption.

5

6 (b) The local licensing authority:

7

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

11

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

17

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

23

1 (iv) 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 and W.S.
11 12-4-413 shall apply to any person holding a winery permit
12 and a bar and grill liquor license, except that either dual
13 holder:

14
15 (i) May sell the manufactured wine for limited
16 off-premises personal consumption pursuant to paragraph
17 (b)(ii) of this section;

18
19 (ii) May upon cessation of full service
20 restaurant operations, serve a limited menu and continue to
21 serve wines authorized under the winery permit;

22

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

22

1 (e) Notwithstanding paragraph (b)(ii) of this section
2 and W.S. 12-5-201, any person holding a winery permit as
3 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 one hundred
13 eight (108) liters of its manufactured wine to any one (1)
14 household in this state during any twelve (12) month
15 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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

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

12-4-415. Microbrewery permits; authorized; conditions; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption. Notwithstanding W.S. 12-5-201 and for the purposes of this subsection, "on-premises" may include a fenced or enclosed area immediately adjacent to the licensed brewing site as

1 approved by the local licensing authority. The dispensing
2 of malt beverages in an immediately adjacent area
3 authorized by this paragraph shall be subject to the
4 schedule of operating hours set pursuant to W.S. 12-5-101.
5 Any microbrewery permit holder shall:

6

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

15

16 (ii) Maintain records for at least three (3)
17 years that will permit the liquor division to ascertain the
18 truthfulness of the information filed and permit the
19 division to perform an audit of the licensee's records upon
20 reasonable request.

21

22 (b) The local licensing authority:

23

1 (i) May allow the sale of malt beverage obtained
2 through a contract brewing arrangement and other malt
3 beverages under a microbrewery permit for on-premises
4 consumption when obtained through licensed wholesale malt
5 beverage distributors;

6

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

13

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

19

20 (iv) Shall assess a fee of not less than three
21 hundred dollars (\$300.00) nor more than five hundred
22 dollars (\$500.00) payable annually in advance for each
23 microbrewery permit. When dual ownership of a microbrewery

1 permit and a liquor license exists no additional fee shall
2 be assessed other than the retail, restaurant, bar and
3 grill or resort license fee.

4

5 (c) W.S. 12-4-410 shall apply to any person holding a
6 microbrewery permit and a restaurant liquor license and
7 W.S. 12-4-413 shall apply to any person holding a
8 microbrewery permit and a bar and grill liquor license,
9 except that either dual holder:

10

11 (i) May sell the brewed malt beverage for
12 limited off-premises personal consumption pursuant to
13 paragraph (b)(ii) of this section;

14

15 (ii) May upon cessation of full service
16 restaurant operations, serve a limited menu and continue to
17 serve malt beverages authorized under the microbrewery
18 permit;

19

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

1

2 (d) A local licensing authority may authorize a
3 microbrewery to operate at more than one (1) location. The
4 local licensing authority may require the payment of an
5 additional permit fee not to exceed one hundred dollars
6 (\$100.00) regardless of the number of locations authorized
7 for the microbrewery. All locations shall be subject to all
8 provisions of this title related to the operation of a
9 microbrewery.

10

11

ARTICLE 6

12

DELIVERY

13

14 **12-5-601. Delivery of alcoholic liquors and malt**
15 **beverages.**

16

17 (a) Retail liquor licensees, microbrewery permit
18 holders, winery permit holders, winery satellite permit
19 holders and manufacturer licensees with a satellite
20 location may deliver or contract to have delivered
21 alcoholic liquors and malt beverages to customers provided:

22

1 (i) All sales of alcoholic liquors and malt
2 beverages under this subsection shall take place in the
3 licensed building. Orders of alcoholic liquors and malt
4 beverages may be placed by phone, online or through a
5 mobile application;

6

7 (ii) No order shall be received nor shall any
8 delivery be made to or by a person under the age of
9 twenty-one (21) years. All deliveries shall require the
10 purchaser to provide to the deliverer a valid government
11 issued identification demonstrating the purchaser is
12 twenty-one (21) years of age or older;

13

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

18

19 (A) In its original package and unopened;

20

21 (B) In a plastic bag and heat sealed
22 closed; or

23

1 (C) In a container that has a breakable
2 seal incorporated in the container cap.

3

4 (iv) Any contract delivery service shall adhere
5 to the requirements of this subsection when delivering
6 alcoholic liquors and malt beverages; and

7

8 (v) Microbrewery permit holders, winery permit
9 holders, winery satellite permit holders and manufacturer
10 licensees with a satellite location shall only deliver or
11 contract to have delivered their respective manufactured
12 products.

13

14 **Section 2.** W.S 12-1-101(a)(viii)(E), (G), by creating
15 new subparagraphs (J) through (U) and (xiv),
16 12-2-201(g)(intro) and (iii), 12-2-203(b), (c) and (e),
17 12-2-204(a) and (d)(i), 12-4-101(a), 12-4-103(a)(vi),
18 12-4-104(a) and (f), 12-4-201(f)(iii) and by creating a new
19 subsection (k), 12-4-301(c) and (e), 12-4-403(b),
20 12-4-410(b) and (d), 12-4-411, 12-4-502(a) through (c),
21 12-4-504(a), 12-4-603(a), 12-4-604, 12-5-201(f),
22 12-5-401(a) and (b)(ii) and 12-6-101(c)(v), (vi) and by
23 creating a new paragraph (vii) are amended to read:

1

2

12-1-101. Definitions.

3

4

(a) As used in this title:

5

6

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

7

8

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

9

permit;

10

11

(G) Catering permit;~~or~~

12

13

(J) Malt beverage wholesale license;

14

15

(K) Limited transportation liquor license;

16

17

(M) Manufacturer's license;

18

19

(N) Manufacturer's satellite permit;

20

21

(O) Winery permit;

22

23

(P) Winery satellite permit;

1

2

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

3

4

(R) Microbrewery permit;

5

6

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

8

9

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

11

12

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

14

15

16

17

18

19

20

21

22

23

(xiv) "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. ~~The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to~~

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

9

10 **12-2-201. Wholesale license for sale of malt**
11 **beverages only; fee.**

12

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

14

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

17

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

20

21 (b) The Wyoming liquor division shall grant a class A
22 industry representative license for alcoholic liquor
23 suppliers to a qualified individual ~~domiciled within this~~

1 ~~state~~ who submits an application to the division on forms
2 provided by the division accompanied by an annual license
3 fee of not to exceed seven hundred fifty dollars (\$750.00).
4 A class A industry representative shall have a written
5 statement from any vendor whose products the applicant
6 proposes to represent. The class A industry representative
7 shall be published in the division's price catalog with the
8 products from any vendor represented by him and shall be
9 authorized to request that the division list or delist
10 products from the vendor represented by him.

11

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

23

1 (e) No class A industry representative shall be
2 employed by a licensee as defined by W.S.
3 12-1-101(a)(viii), except that this subsection shall not
4 apply to malt beverage wholesalers authorized under W.S.
5 12-2-201, manufacturers authorized under this section,
6 microbrewery permit holders authorized under W.S. 12-4-415
7 or winery permit holders authorized under W.S. 12-4-414.

8

9 **12-2-204. Out-of-state shipment of manufactured wine;**
10 **license; fees; restrictions; conditions.**

11

12 (a) Notwithstanding any law, rule or regulation to
13 the contrary, any person currently licensed in its state of
14 domicile as an alcoholic liquor or malt beverage
15 manufacturer, importer, wholesaler or retailer who obtains
16 an out-of-state shipper's license, as provided in this
17 section, may ship no more than a total of ~~thirty-six (36)~~
18 one hundred eight (108) liters of manufactured wine
19 directly to any one (1) household in this state in any
20 twelve (12) month period.

21

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(i) Not ship more than a total of ~~thirty-six~~
~~(36)~~ one hundred eight (108) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices;

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

(a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable ~~retail~~ liquor licenses ~~pursuant to W.S. 12-4-201, less than the allowable bar and grill liquor licenses pursuant to W.S. 12-4-413~~ or from

1 refusing to issue any license or permit authorized by this
2 title.

3

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

6

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

9

10 (vi) A manufacturer of alcoholic beverages or
11 wholesaler of malt beverages, except as authorized under
12 W.S. 12-2-203(g) or as otherwise provided ~~in W.S.~~
13 ~~12-4-412(j)~~ by law;

14

15 **12-4-104. Publication of notice; grant or denial;**
16 **renewal preference; copy of application and notice to**
17 **division; judicial review.**

18

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

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

17

18 NOTICE OF APPLICATION FOR A

19

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

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

5

6 Dated

Signed

7

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

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

3

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

6

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

11

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

15

16 (k) A retail liquor licensee may ship not more than a
17 total of one hundred eight (108) liters of manufactured
18 wine directly to any one (1) household in this state in any
19 twelve (12) month period provided the licensee:

20

21 (i) Ships the manufactured wine only to
22 individuals who are at least twenty-one (21) years of age
23 for such individual's personal use and not for resale;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

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

(iii) Ensures that all of its shipments within this state are made by a duly licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.

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

(c) Except as otherwise provided by W.S. ~~12-5-201(g)~~ 12-5-201(f), a club holding a limited retail license may sell alcoholic or malt beverages for consumption anywhere on the licensed premises for consumption by its members and their accompanied guests only as approved by the local licensing authority.

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

7

8 **12-4-403. Population formula not applicable;**
9 **contracting for services.**

10

11 (b) ~~No~~ ~~A~~ resort liquor license may be transferred to
12 another location. License ownership may be transferred to a
13 purchaser or licensee of the licensed premises with the
14 approval of the licensing authority. ~~No transfer of a~~
15 ~~resort liquor license shall be required where the license~~
16 ~~is used by a person with whom the licensee has contracted~~
17 may contract or ~~subcontracted~~ subcontract for the provision
18 of food and beverage services on the licensed premises.
19 However, the resort liquor licensee shall remain subject to
20 all applicable laws, rules, regulations and penalties
21 including the provisions of W.S. 12-2-306 and 12-7-103.

22

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

5
6 (b) Alcoholic liquor and malt beverages shall be
7 dispensed and prepared for consumption in ~~one (1) room, and~~
8 ~~one (1) additional room if authorized and the licensed~~
9 ~~building in areas approved by the local licensing~~
10 ~~authority., upon the licensed premises separated from the~~
11 ~~dining area in which alcoholic and malt beverages may be~~
12 ~~served and in the case of a golf course upon which a~~
13 ~~restaurant liquor license is operational or in the case of~~
14 ~~a guest ranch upon which a retail or restaurant liquor~~
15 ~~license is operational, at dispensing areas on the premises~~
16 ~~of the golf course or guest ranch as permitted by the~~
17 ~~licensing authority.~~ No consumption of alcoholic or malt
18 beverages shall be permitted within the dispensing ~~room,~~
19 ~~nor shall any person other than employees over eighteen~~
20 ~~(18) years of age be permitted to enter the dispensing~~
21 ~~room. If a restaurant has a dispensing room separate from~~
22 ~~the dining area which is licensed prior to February 1, 1979~~
23 ~~for purposes of alcoholic or malt beverage sales and~~

1 ~~consumption, the restaurant may dispense alcoholic or malt~~
2 ~~beverages in the separate dispensing room under a~~
3 ~~restaurant liquor license, and any person over eighteen~~
4 ~~(18) years of age is permitted to enter the separate~~
5 ~~dispensing room areas.~~

6
7 (d) No restaurant liquor licensee shall promote or
8 operate the restaurant as a bar and lounge. ~~nor shall the~~
9 ~~licensee compete with a retail liquor licensee in~~
10 ~~activities other than dinner functions, including, but not~~
11 ~~limited to, dances, receptions and other social gatherings.~~
12 ~~Nothing in this subsection shall require a restaurant~~
13 ~~liquor licensee to reconstruct or remodel licensed premises~~
14 ~~existing on or before June 8, 1989.~~

15
16 **12-4-411. License fee.**

17
18 The annual fee for a restaurant liquor license shall be no
19 more than three thousand dollars (\$3,000.00) and no less
20 than five hundred dollars (\$500.00). ~~The license fee for a~~
21 ~~county restaurant liquor license within five (5) miles of a~~
22 ~~city or town shall not be less than the restaurant liquor~~
23 ~~license fee charged by that city or town.~~

1

2 **12-4-502. Twenty-four hour malt beverage permit and**
3 **catering permit; restrictions; application procedure; fees.**

4

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

14 Malt beverage permits shall not be used to operate a
15 continuing business.

16

17 (b) A catering permit authorizing the sale of
18 alcoholic and malt beverages may be issued by the
19 appropriate licensing authority to any person holding a
20 retail or resort retail liquor license authorizing the
21 off-premises sale of both alcoholic and malt beverages, for
22 sales at ~~meetings, conventions, private parties and dinners~~
23 ~~or at other similar gatherings~~ events not capable of being

1 held within the licensee's licensed premises. No licensee
2 holding a catering permit shall sell or permit consumption
3 of any alcoholic or malt beverage off the premises
4 described in the permit. Notwithstanding any other
5 provision of this subsection, closed-container items sold
6 at auction for the benefit of a nonprofit organization may
7 be taken off-premises. Catering permits shall not be used
8 to operate a continuing business.

9
10 (c) The permits authorized by this section shall be
11 issued for one (1) twenty-four (24) hour period, subject to
12 the schedule of operating hours set pursuant to W.S.
13 12-5-101. No person or organization shall receive more than
14 a total of twelve (12) malt beverage and thirty-six (36)
15 catering permits for sales at the same premises in any one
16 (1) year., ~~except that this limitation shall not be~~
17 ~~applicable to malt beverage permits issued for sales at any~~
18 ~~fair, rodeo, pari mutuel event or other similar public~~
19 ~~event conducted by a public entity upon public premises, or~~
20 ~~to catering permits for events at the facilities of the~~
21 ~~University of Wyoming in Laramie, including the Marian H.~~
22 ~~Rochelle Gateway Center.~~

23

1 **12-4-504. Special malt beverage permit for public**
2 **auditoriums, civic centers or events centers.**

3
4 (a) The appropriate licensing authority in a county,
5 city or town may issue a special malt beverage permit to
6 any responsible person or organization for sales of malt
7 beverages at public auditoriums, civic centers or events
8 centers. The licensing authority shall establish an
9 appropriate fee for the permit. Additionally, the licensing
10 authority shall specify the duration of the permit and
11 where malt beverages may be sold and consumed under the
12 permit. The issuing body may provide rules to implement
13 this section.

14
15 **12-4-603. Annexation of retail liquor license or malt**
16 **beverage permit into 5-mile zone; renewal.**

17
18 (a) A county retail liquor license ~~or malt beverage~~
19 ~~permit~~ having licensed premises located within a five (5)
20 mile zone around an incorporated city or town because of
21 annexation of property shall not be denied an application
22 for renewal by reason of annexation alone. ~~The license or~~
23 ~~permit shall be subject to renewal by the county licensing~~

1 ~~authority in the same manner as if the licensed premises~~
2 ~~were beyond the five (5) mile zone around a city or town.~~

3

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

6

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

12

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

15

16 (f) A holder of a resort retail liquor license, a
17 golf club that holds a retail liquor license, a restaurant
18 liquor license or a club limited retail liquor license or a
19 holder of a retail liquor license or restaurant liquor
20 license operating on a guest ranch may dispense alcoholic
21 beverages from any location within the boundaries of the
22 ~~resort~~ licensee's premises. The ~~resort~~ premises shall be a
23 single property within a contiguous boundary upon which the

1 ~~resort~~-licensee is located and which shall be identified in
2 the license. Any location on the ~~resort~~-premises where
3 alcoholic beverages are dispensed as approved by the
4 licensing authority shall comply with applicable sanitation
5 and fire hazard requirements and other applicable laws.
6 The licensing authority shall, as often as necessary,
7 inspect the licensed location where alcoholic beverages are
8 dispensed to ensure that the licensee is in compliance with
9 sanitation and fire hazard requirements.

10

11 **12-5-401. Interests in licenses or permits to sell.**

12

13 (a) No industry representative shall hold any
14 interest, stock or ownership directly or indirectly, in any
15 license to sell products of the industry at retail under
16 privileges of a license or permit to sell any beverage or
17 liquor in Wyoming or in any premises so licensed. This
18 section shall not apply to any person holding a
19 microbrewery ~~or winery~~ permit pursuant to W.S. ~~12-4-412~~
20 12-4-415 or a winery permit pursuant to W.S. 12-4-414. This
21 section shall also not apply to a person holding a
22 manufacturer's license under W.S. 12-2-203(a) when the
23 license is held under the complete ownership of a retail

1 business and to the extent he may be permitted one (1)
2 satellite manufacturer's permit pursuant to W.S.
3 12-2-203(g)(i) or an off-premises permit pursuant to W.S.
4 12-2-203(g)(ii).

5

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

7

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

11

12 **12-6-101. Sale or possession prohibited; when**
13 **possession unlawful; public drunkenness; falsification of**
14 **identification; penalty; prima facie identification as**
15 **defense.**

16

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

19

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

22

1 (vi) Enter or remain in ~~an establishment~~
2 designated sales areas approved by the local licensing
3 authority that is primarily for off-premise sales of
4 alcoholic liquor or malt beverages unless accompanied by a
5 parent, spouse or legal guardian who is twenty-one (21)
6 years of age or older; ~~or~~

7
8 (vii) Dispense or sell any alcoholic liquor or
9 malt beverage. The term "dispensing" means mixing or
10 pouring alcoholic liquors or malt beverages.

11
12 **Section 3.** W.S. 12-2-201(g)(i) and (ii), 12-2-501
13 through 12-2-505, 12-4-102(a)(vii) and (viii), 12-4-103(b)
14 through (d), 12-4-201(g), 12-4-407(d), 12-4-409,
15 12-4-410(f), 12-4-412, 12-4-505(a) and (b), 12-4-602(c),
16 12-4-603(b) and 12-5-201(g) through (j) are repealed.

17
18 **Section 4.** This act is effective July 1, 2021.

19

20

(END)