

ORIGINAL HOUSE
BILL NO. HB0082

ENROLLED ACT NO. 64, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to alcoholic beverages; providing for brewers and microbrewers to obtain by contractual arrangement malt beverages for sales for on or off premises consumption; providing a definition; and providing for an effective date.

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

Section 1. W.S. 12-1-101(a) by creating a new paragraph (xxvi), 12-2-201(a)(iii) and 12-4-412(b)(i) and (iv) are amended to read:

12-1-101. Definitions.

(a) As used in this title:

(xxvi) "Contract brewing" means a commercial arrangement in which a client brewer or microbrewer contracts with a brewery or microbrewery to produce malt beverage for the client brewer or microbrewer and where the contract brewery or microbrewery is entirely responsible for:

(A) Producing the malt beverage;

(B) Packaging the malt beverage;

(C) Reporting and keeping appropriate brewery or microbrewery records, including crediting the malt beverage production toward the contract brewery's or microbrewery's production requirements for annual permit renewal;

(D) Labeling the malt beverage with the contract brewery's or microbrewery's name and address;

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2020 BUDGET SESSION

(E) Obtaining the necessary certificates of label approval;

(F) Retaining ownership of the malt beverage until removal of the malt beverage from the contract brewing facility;

(G) Obtaining any required territorial assignment;

(H) Distributing the malt beverage back to the client brewer or microbrewer through a wholesaler;

(J) Paying the appropriate rate of tax upon removal of the malt beverage from the contract brewing facility and reporting and remitting the tax to the appropriate tax authority.

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

(a) Except as otherwise provided in paragraph (ii) of this subsection a wholesale license authorizing the sale of malt beverages only may be granted by the division to microbreweries and malt beverage wholesalers resident within this state. Wholesale licensees have the exclusive right to sell malt beverages at wholesale. Any qualified person desiring a wholesale license shall apply to the division on forms to be provided and pay a license fee of two hundred fifty dollars (\$250.00) annually in advance. A wholesale license issued under this subsection shall be subject to the following:

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SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(iii) Nothing in this subsection shall be interpreted to impair any contract between a brewery, microbrewery, malt beverage manufacturer or malt beverage importer and a distributor.

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

(b) The local licensing authority:

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

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

ORIGINAL HOUSE
BILL NO. HB0082

ENROLLED ACT NO. 64, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

Section 2. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk