

ENROLLED ACT NO. 19, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to alcoholic beverages; repealing requirement license and permit fees be paid in cash or by certified check; repealing restrictions on license and permit holding by a mayor, city or town council member, county commissioner and law enforcement officer; modifying requirements for special malt beverage permits for public auditoriums, civic centers or events centers; modifying provisions related to hours of operations; modifying minimum purchase requirements for permit and license holders; modifying and clarifying application of population formula for licenses; repealing certain preference right; repealing limitation on issuance of restaurant licenses; repealing provisions related to prohibited acts in a licensed building or premises; repealing obsolete provisions; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 12-2-203(f) and (g), 12-4-101(d), 12-4-103(c), 12-4-407(a) and (d), 12-4-410(c), 12-4-412(b)(iii)(A) and (d), 12-4-502(c), 12-4-504(a), 12-5-101 by creating a new subsection (d) and 12-5-201(e) are amended to read:

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

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of

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samples shall be subject to the schedule of operating hours ~~provided in~~ set pursuant to W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~provided in~~ set pursuant to W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

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

(d) Unless otherwise provided, the licensing authority shall uniformly assess license or permit fees annually for each particular class of license or permit. ~~Applicants for a license or permit shall pay the required fee in cash or by certified check upon receipt of the license or permit.~~

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

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(c) Except as provided in subsection (d) of this section, a ~~license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one (1) year term of the license or permit, purchase at least five hundred dollars (\$500.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.~~ A retail liquor license shall not be renewed if the licensee did not, during the previous one (1) year term of the license, purchase at least two thousand dollars (\$2,000.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.

12-4-407. Restaurant liquor license; authorized.

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a restaurant liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application. ~~When the total dollar amount of wholesale purchases from the division of liquor in a county is greater than fifty (50) times the county population, then~~ Population formulas have no application to issuance of restaurant liquor licenses within the county.

(d) Any person presently holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407 through 12-4-411 may be issued a restaurant liquor license by the appropriate licensing authority. ~~Licenses issued under this subsection shall not be considered in the number~~

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~~of licenses authorized under subsection (c) of this section.~~

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

(c) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the hours ~~specified by W.S. 12-5-101(a)~~ set pursuant to W.S. 12-5-101 if food sales and services extend beyond ~~the~~ those hours. ~~specified therein.~~

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:

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

(A) A retail liquor license as provided in W.S. 12-4-101 through ~~12-4-202~~ 12-4-201;

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The

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local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~provided in~~ set pursuant to W.S. 12-5-101 and the dispensing room provisions of W.S. 12-5-201.

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

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

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

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers. ~~meeting the qualifications of subsection (b) of~~ The issuing body may provide rules to implement this section.

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12-5-101. Hours of sale generally.

(d) Local licensing authorities may set hours of operation for alcohol sales provided that the hours of operation are uniformly applied to establishments similarly situated.

12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.

(e) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation ~~imposed under~~ set pursuant to W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate

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licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.

Section 2. W.S. 12-4-103(a)(i) and (ii), 12-4-104(c), 12-4-202, 12-4-407(c), 12-4-504(b) through (e), 12-5-101(a) through (c), 12-5-204 and 12-8-201 are repealed.

Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk