

ENROLLED ACT NO. 33, SENATE

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

AN ACT relating to alcoholic beverages; removing restriction and fee on number of dispensing rooms in which alcoholic and malt beverages may be sold; repealing issuance of temporary permits for licensees to sell alcoholic or malt beverages in additional dispensing rooms; providing for the sale of alcoholic and malt beverages anywhere in a licensed building as specified; modifying where a club holding a limited retail license may sell alcoholic or malt beverages; creating an offense for underage persons who enter or remain in establishments that are primarily for off-premise sales of alcoholic or malt beverages as specified; repealing restriction on minors in rooms where alcoholic or malt beverages are sold as specified; conforming provisions; repealing rulemaking requirements; 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), 12-4-102(a)(i), 12-4-103(a)(iii), 12-4-104(a), 12-4-301(c), 12-4-410(a), (b) and by creating a new subsection (f), 12-4-412(d), 12-4-413(f), 12-4-501(c)(i), (iii)(intro) and (iv), 12-4-502(a), 12-4-702(b)(ii) and (c), 12-5-201(a), (e) through (j), (k)(intro), (i), (ii) and by creating a new subsection (m), 12-5-202, 12-5-301(a)(intro), 12-6-101(c)(iv), (v) and by creating a new paragraph (vi) and 12-6-103(d)(v) 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)

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ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building 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 W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions pursuant to W.S. 12-5-201.

12-4-102. Application for licenses and permits; contents; signature and verification.

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate

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licensing authority and shall contain the following provisions:

(i) The location ~~and a description~~ of the ~~room~~ licensed building in which the applicant will sell under the license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the ~~room~~ licensed building and premises to be licensed;

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

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

(iii) Any person who does not own the building ~~in which the sales room is located~~ or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted by W.S. 12-4-403(b);

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

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

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

NOTICE OF APPLICATION FOR A

Notice is hereby given that on the day of (year) (name of applicant) filed an application for a license (permit), in the office of the clerk of the city (or town or county) of for the following ~~described place (and room)~~ building (insert ~~description~~ address) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour ofM., on the day of (year), in the (meeting place of the governing body).

Dated

Signed

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

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(c) Except as otherwise provided by W.S. 12-5-201(g), a club holding a limited retail license ~~shall not may~~ sell alcoholic or malt beverages for consumption anywhere ~~except within on~~ the licensed premises ~~and~~ for consumption by its members and their accompanied guests only as approved by the local licensing authority. ~~It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building, space or premises.~~

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

(a) Except as provided in subsection (e) of this section, restaurant liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption ~~off the premises from the licensed building~~ owned or leased by the licensee. Except as provided in subsections (b) and (e) of this section, alcoholic or malt beverages shall be served for on-premises consumption only in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and approved ~~as provided in W.S. 12-5-201(a)~~ by the local licensing authority, upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at

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dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over eighteen (18) years of age is permitted to enter the separate dispensing room.

(f) For purposes of this section, "room" means, as approved by the local licensing authority, an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

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

(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 local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one

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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 W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions of W.S. 12-5-201.

12-4-413. Bar and grill liquor license; authorized; requirements.

(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 alcoholic or malt beverages for off-premises consumption ~~off the premises from the licensed building~~ owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

12-4-501. Malt beverage permit for University of Wyoming; fee; rules and regulations.

(c) The board of trustees of the University of Wyoming shall provide rules and regulations for the following:

(i) ~~Location of the dispensing rooms~~ Locations in which malt beverages may be sold;

(iii) The hours and days of the operation of the ~~dispensing rooms~~ licensed building, which shall be within the following limits:

(iv) Whether food may be sold in the ~~dispensing rooms~~ licensed building;

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

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. ~~W.S. 12-5-201 does not apply to this subsection.~~

12-4-702. Signature and attestation; contents; display required.

(b) The following shall be shown in each license:

(ii) ~~A description~~ An address of the ~~place licensed building~~ in which alcoholic or malt beverages may be sold;

(c) Each licensee shall display his license in a conspicuous place in the licensed ~~room~~ building.

ARTICLE 2
LICENSED BUILDING

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

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in ~~one~~

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~~(1) room upon the premises~~ the licensed building for which the license is issued and as approved by the licensing authority. ~~Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license.~~ Alcoholic beverages ~~secured in the licensed room by a server~~ may be served only in the licensed building ~~in which the licensed room is located~~ and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This adjacent area shall not be in another building. ~~and shall be located on the licensed premises.~~ Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room. The licensing authority shall, as often as necessary, inspect the licensed ~~room and adjoining rooms~~ building and adjacent areas where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.~~

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

(f) A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of a resort~~

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~~retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort retail liquor license is issued, except that~~ Any location on the resort premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to sixty-six and two thirds percent (66 2/3%) of the original license fee.~~

(g) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that~~ Any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with

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sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

(h) With the approval and on the conditions imposed by the licensing authority, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses, but such~~ Holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

(j) Any retail or restaurant liquor licensee operating on a guest ranch as defined by W.S. 12-1-101(a)(xxiii) may dispense alcoholic beverages from any location within the boundaries of the guest ranch premises. The guest ranch premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses.~~ The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to two thirds (2/3) of the original license fee.~~

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(k) A licensing authority may authorize a licensee holding a retail liquor license issued under W.S. 12-4-201 to hold an event ~~on~~ in the licensed ~~premises~~ building at which persons under the age of twenty-one (21) are permitted ~~upon the premises~~ if:

(i) No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person ~~in the dispensing room during~~ attending the event;

(ii) ~~The dispensing room is closed during the event and all~~ No alcoholic liquor ~~and or~~ malt beverages are removed from the dispensing room in which the event is held and are stored in an area on the licensed premises not accessible to persons ~~in the closed dispensing room during the event or stored in a manner preventing dispensation during~~ attending the event;

(m) Nothing under this act shall prohibit more than one (1) liquor license holder to operate within the same building provided that each licensee maintains distinct areas within the building.

12-5-202. Storage outside licensed premises prohibited; exception.

A retail licensee shall not store alcoholic liquor or malt beverages outside of the licensed ~~premises~~ building unless he files with the division a written statement that he stores alcoholic liquors or malt beverages in a place other than his place of business and states the exact location of the storage place.

12-5-301. Conditions for operation.

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(a) Upon approval of the licensing authority, a drive-in area adjacent or contiguous to the licensed ~~room~~ building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages under the following conditions:

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

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

(iv) Consume any ethyl alcohol; ~~or~~

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

(vi) Enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

12-6-103. Compliance.

(d) For purposes of this section, the term "compliance check" shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:

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(v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101. and 12-5-203.

Section 2. W.S. 12-1-101(a)(xv), 12-4-412(c)(i), 12-4-501(c)(ii), 12-4-504(e), 12-4-505(c), 12-5-201(b) through (d), 12-5-203 and 12-5-301(a)(ii) 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