

ORIGINAL SENATE
FILE NO. SF0140

ENROLLED ACT NO. 54, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to alcoholic beverages; amending provisions related to satellite manufacturer's permits; clarifying authority of local authorities to issue satellite manufacturer's permits; making conforming amendments; and providing for effective dates.

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

Section 1. W.S. 12-2-203(g), 12-2-301(a), 12-2-303 by creating a new subsection (d) and 12-4-103(a)(vi) are amended to read:

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

(g) The local licensing authority may issue to the holder of a manufacturer's license granted 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 product manufactured at the site identified on the manufacturer's license 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~~may be obtained through the division as provided by W.S. 12-2-303(a). If the satellite location is situated within the property boundary of the manufacturing site, the product may be distributed directly from the permit holder's manufacturing site subject to W.S. 12-2-303(d). 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

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schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201.

12-2-301. Generally.

(a) Except as provided in W.S. 12-2-203(g), the division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless otherwise expressly authorized by state law. Any out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

12-2-303. Purchase and sale of alcoholic liquors; shortages.

(d) The holder of a manufacturer's license under W.S. 12-2-203(a) that sells alcoholic liquor not obtained through the division as provided in W.S. 12-2-203(g) shall, before the transfer of the product to the satellite location, remit to the division an assessment in an amount equal to the profit allowed under subsection (a) of this section and the associated excise tax assessed under W.S. 12-3-101 that would have been received by the division had the holder of a manufacturer's license first obtained the alcoholic liquor from the division as provided in subsection (a) of this section. The department shall by rule define the procedure under which a holder of a manufacturer's license shall report and remit the assessment under this subsection.

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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:

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as authorized under W.S. 12-2-203(g);

Section 2. The department shall promulgate rules and regulations necessary to implement this act by July 1, 2019.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

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(b) Sections 2 and 3 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)

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