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# *WAMCAT*

## *Casper 2019*

### **Agenda- Legislative Update**

### **Legal Entities**

### **24 Hr Permits/Ordinance Update**

### **Licensing Review**

### **General Licensing Information**

#### **Legislative Update**

11 Total bills considered by the Legislature regarding alcoholic beverages

\* Indicates bills that will require updates to local ordinances.

Bill Lookup- [www.wyoleg.gov](http://www.wyoleg.gov)

Enter bill number or search by bill title

- Introduced PDF- starting bill as presented to legislative committee
- Enrolled PDF- completed bill as approved by the House, Senate and Governor

#### **\*House Bill 76 Wyoming Beer Freedom Act**

Allows microbreweries to hold a malt beverage permit. Prior to this bill, microbreweries needed to sell directly to a malt beverage permit holder.

Microbreweries are limited to selling their own manufactured product only.

**No package sales, on site consumption only.**

**Will effect local ordinances.** Template attached.

**Bill is effective July 1, 2019.**

#### **House Bill 162 Alcoholic liquors markup**

Would have increased the wholesale markup on wine and spirits from the Wyoming Liquor Division from 17.6% to 20.6%.

**Bill died in the House Revenue Committee.**

## **House Bill 186 Out of state shipments of manufactured wine- tax**

Would have decreased the markup on direct shipment of wine to the Wyoming Liquor Division from 12% to 8%.

**Bill died without Committee hearing.**

## **House Bill 206 Video skill games**

Would have established regulation of video skill games by the Wyoming Liquor Division, and set rules, penalties and background checks.

This bill was parked in favor of HB 284, regulation by the Wyoming Lottery Corporation.

**Bill died without Committee hearing.**

## **\*House Bill 219 Alcoholic beverages- 24 hour permit**

Allows Wyoming distilleries to hold 12 manufacturer's Off-Premises Permits annually.

Similar to catering permits but for their manufactured product only.

**No package sales, on site consumption only.**

**Will effect local ordinances.** Template attached.

**Bill is effective July 1, 2019**

## **\*House Bill 212 Alcoholic beverages- business flexibility**

Allows local retailers to hold a distillery license and allows distilleries to hold a retail license.

Allows equal footing with microbreweries and wineries.

**Must have "Complete Ownership" to comply with federal law**

**Will effect local ordinances.**

**Bill is effective immediately.**

## **House Bill 291 Alcoholic beverages- licensing authority powers**

Would have prohibited licensing authorities from restricting the issuance of alcoholic and malt beverages pursuant to local zoning ordinances.

**Bill died in the Senate on 3<sup>rd</sup> reading.**

## **Senate File 52 Special permits for alcoholic beverages- exception**

Would have allowed the free distribution of alcohol by businesses. SF52 was withdrawn by the bill sponsor in favor of SF 138.

**Bill was withdrawn.**

## **Senate File 113 Retail purchases of alcoholic liquor for resale**

Allows retailers to purchase liquor from other retailers businesses.

**Sales are capped at one case per week, per retailer.** Form attached.

**Bill is effective July 1, 2019.**

## **\*Senate File 138 Malt beverage and catering permits- fees**

Decreases the maximum fee for catering and malt beverage permits **from \$100 to \$50.**

**Will effect local ordinances.**

**Bill is effective July 1, 2019.**

## **Senate File 140 Alcoholic beverages- direct sales**

Allows Wyoming distilleries to “self distribute” their manufactured product to their satellite location **as long as it is on the same premises.**

**Bill is effective immediately.**

## **Future Legislation**

Minimum Purchase Requirement

Restaurant Definition

Legal Description

Posting Renewal Notice

Separating Microbrewery & Winery Law

## **Legal Entities**

Applicant line- drives the entire application

Definition of person- “Person” includes an individual person, partnership, corporation, limited liability company or any other association or entity, public or private.”

The individual person listed as an owner/officer of a corporation or LLC is not the applicant.

Individual managers/officers are merely individuals associated with the license but do not hold the license personally.

Example: LLC with 100 ownership by one individual.

Applies to leases and financials also.

## 24 Hr (Daily) Permits

- Definition of sale- "Sell" or "sale" includes offering for sale, trafficking in, bartering, **delivering or dispensing and pouring for value, exchanging for goods, services or patronage** or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.

## Ordinance Updates

Fees for permits from \$100 to \$50

Allow microbreweries to hold malt beverage permits- add to current catering/malt bev

Allow distilleries to hold Off-Premise permits- new permit like catering permits

Add definition of "Operational" for your jurisdiction

- W.S. 12-1-101-"Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title.

## Licensing Review

Renewals

Submitted at least 60 before expiration

- Hearing 30 days prior
- 2 weeks advertising
- Apps are coming in just days before hearing or just after hearing

WLD staff must review all applications prior to hearing

- Have 10 working days by state law to review

Don't notify clerks unless a correction is needed

- 1,400 retail licenses for two agents

Correction Notices (TNG)- Must be corrected before the hearing

- Have may corrections come in after hearing

Checking on renewals- May take some time

No news is good news- assume application is complete if you have not heard from us

## New Applications

Applicant is consistent throughout the application

- Individual name on applicant line vs LLC on the lease
- Applies to financials and leases

## Applicant Qualifications

- All licenses have qualifications, some are more restrictive than others

## Restaurants/Bar & Grill Applicants

Must qualify as a full service restaurant per W.S. 12-1-101

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

## Restaurants

- Copy of current food service permit
- Copy of the menu to verify qualifications
- Dispensing room enclosed

## General Licensing Guidelines

### Other Documents

**Minimum Purchase Requirement-** only need to submit to the clerk.

**Leases-** Not needed every year, only on new apps and if not on file/expired.

**Local ordinance requirements-** TiPS Cards.