

Liquor Law Changes

Alcohol Bills in the 2021 Legislative Session

- HB0013 Alcoholic Beverage Regulation
- HB0156 Alcoholic Beverage Permits
- HB0159 Liquor Manufacturer Regulations
- HB0169 Alcoholic Liquors-Markup Amount
- HB0185 Wine-Assessment on Direct Sales
- HB0216 Distillery Manufacturers- Two Satellite Locations

Liquor Law Changes

Enrolled Act #17, Original House Bill0013

- Collaboration between the Liquor Division and the Wyoming State Liquor Association with considerations from cities, towns, counties, clerks and law enforcement
- Worked on the subject for several years including many interim committee hearings this last year – Continuation of SFO045 in 2017
- Was originally 2 bills
- 1st bill was an update to modernize Wyoming liquor law and fulfill a promise to remove dispensing rooms entirely
- Legislature was so impressed, they asked for a business friendly bill to remove unneeded rules and regulations
- Legislature combined the two bills

Liquor Law Changes

Page 1-4 12-4-414 Winery Permits

- The first few pages of the bill separates winery law from microbrewery law.
- They are two different animals as far as law goes so we separated them to clarify what each permit can/can not do
- Only “big” change is the population formula for wineries and microbreweries was removed- don’t really need to limit these types of permits

Liquor Law Changes

Page 5-7 12-4-415 Microbrewery Permits

- Big change under (a)- Microbreweries can dispense (set up a keg/tap) in a “fenced or enclosed area immediately adjacent to the licensed brewing site as approved by the local licensing authority”
- Microbreweries can request the licensing authority to approve an outdoor deck/patio for dispensing their beer
- License holder should submit this request in writing- governing body can then decide on the request
- May require an update to your local code

Liquor Law Changes

Page 7-8 12-5-601 Delivery

- New section in liquor law
- Also adds definition of "sealed" for all package sales
- Don't confuse delivery with shipping
 - Delivery is a local package store delivering to a local address
 - Shipping is using a shipping company (FedEx-UPS, etc) to ship across the state
- Defines who can deliver- Full Retail, microbreweries, wineries, winery satellites and manufacturer satellites
- No other license holders can deliver- restaurants, bar & grill, limited retail (club) or resorts

Liquor Law Changes

Page 7-8 12-5-601 Delivery

- Orders/sales must be taken in the licensed building- driver can not take money for alcohol at the door
- Delivery must be completed the day of the sale- this language prevents shipping since that act would not be completed within a day
- Orders/sales and deliveries must be made by someone 21 or older
- Delivery driver must check an ID of the purchaser

Liquor Law Changes

Page 7-8 12-5-601 Delivery

- All package sales and deliveries shall be “sealed”- this applies to package stores as well
- Sealed means:
 - In it's original package and unopened- factory sealed (bottle of wine or spirits/case of beer)
 - In a plastic bag and heat sealed closed- many package stores use the heat sealers for food
 - In a container that has a breakable seal incorporated in the top- like a milk jug

Liquor Law Changes

Page 7-8 12-5-601 Delivery

- Retailers can contract with a 3rd party (Doordash-Uber Eats, etc) to deliver alcoholic beverages
- Any contract delivery service must adhere to all the requirements under this statute
- Licensing authority can add other restrictions- requirement to have an alcohol server training
- Microbreweries, wineries and distillery satellites can only deliver or contract for delivery of their manufactured product- can not sell or deliver other products except their own

Liquor Law Changes

Page 9-10 12-1-101 Definitions

- No new licenses- we are just adding all of the current licenses and permits to the list of "licensee"
- Another big change (xiv) Removes most of the qualifications for restaurant licenses- can license fast food chains if the governing body wishes
- Still have to serve meals they prepare and sell more food than alcohol
- May require an update to your local code

Liquor Law Changes

Page 12 12-2-204 Wine Direct Shipment

- This is a big one for you wine of the month folks
- Licensed out of state shippers can now ship up to 108 liters (12 cases of wine) per household per year
- This is an increase from 4 cases to 12 cases

Liquor Law Changes

Page 14 12-4-104 Publication Notice

- Big win for the clerks
- Removes the requirement to physically post the renewal notice at the licensed building- no longer need to go to each business and post the notice of renewal
- May require an update to your local code

Liquor Law Changes

Page 15 12-2-201 County Malt Beverage Permits

- Removes the 5 mile limit to qualify for a county malt beverage permit
- Businesses anywhere outside of an incorporated city/town can now receive a malt beverage permit
- Should provide some economic growth
- May require an update to your local code

Liquor Law Changes

Page 15-16 12-4-201 Retailer Shipping

- (k) Defines that a full retail license holder can ship up to 108 liters (12 cases) of wine directly to one (1) household in a twelve (12) month period
- This statute brings this portion of law into compliance with recent Supreme Court cases- Tennessee v. Thomas and Granholm v. Heald
- Lets instate retailers ship wine just like out of state retailers can ship

Liquor Law Changes

Page 17 12-4-403 Resort Transfers

- Removes the limitation to transfer a resort liquor license to another location
- No need to limit this- resorts can qualify for new licenses to get around this law

Liquor Law Changes

Page 17-18 12-4-410 Restaurant Dispensing Rooms

This is the one we have been waiting for!!!

- Removes the room requirement for restaurant licenses- no longer need to construct a room/enclosure
- We now can dispense (pour/mix/pop tops) in an "area" approved by the local licensing authority
- Can have as many locations as they wish- just have to be approved

Liquor Law Changes

Page 17-18 12-4-410 Restaurant Dispensing Rooms

- Can not have a bar/lounge on a restaurant license
- If you have a counter top and there are seats/stools in front of it and the alcoholic beverage is passed across or is consumed at the counter, it's a bar
- Can not consume in this area- again this would create a bar
- Also age restricted- must be at least 18 to enter the dispensing area

Liquor Law Changes

Page 18 12-4-411 Restaurant Fees in the county

- Removes the requirement to charge the same fee as the city/town if the license is within 5 miles of an incorporated city/town
- Let the governing body decide what the fee should be
- May require an update to your local code

Liquor Law Changes

Page 19 12-4-502 Twenty-four Hour Permits

- Language was added to catering permits and malt beverage permits to prohibit a permit holder from operating a business on daily permits
- People/businesses get several permits at a time to sell alcohol- try to operate a business from permits instead of getting a yearly liquor license
- Daily permits were designed to be used for temporary events, not continuing businesses that cause conflict with established yearly license holders
- May require an update to your local code

Liquor Law Changes

Page 19 12-4-502 Twenty-four Hour Permits

- Also removes the permit exceptions for daily permits
- Exceptions applied to fairs, rodeos, para-mutual events and other public events
- All of these can be permitted under the Special Malt Beverage permit for an entire year

Liquor Law Changes

Page 20 12-4-504 Special Malt Beverage Permits

Speaking of Special Malt Beverage permits...
another big win for the local authorities!

- Language has been added to allow the local licensing authority to set fees, the licensing term and where malt beverages can be sold and consumed
- May require an update to your local code

Liquor Law Changes

Page 21 12-5-201 Dispensing Regulations

- Clarification language for resort license holders and other license holders that are designated as a golf clubs or guest ranches
- These specific designations can dispense anywhere within the boundaries of the premises

Liquor Law Changes

Page 22 12-6-101 Alcohol Sales

- Further clarifies a sales area for package stores
- Local authorities approve this area for alcohol sales
- Specifically defines that no one under the age of 21 can sell or dispense alcohol- will help law enforcement
- Dispense is defined as "mixing or pouring"
- May require an update to your local code

Liquor Law Changes

Page 22- 23 Repealed Statutes

- **12-2-201(g)(i) & (ii)** –license for a microbrewery to sell their products to a malt beverage wholesaler no longer needed, microbreweries can receive and sell through a wholesale license.
- **12-2-501 through 12-2-505**- Keg Tag Registration-not used by law enforcement-retailers document information anyway for deposit of retail kegs.
- **12-4-102 (a)(vii)**- zoning information on applications-not needed or used. **(viii)**- \$2,000.00 purchase requirement no longer needed after revisions in 2017.
- **12-4-103(b)-(d)**- Issuance of license to more than one person- In Wyoming it's very easy to form an LLC or Corporation to get around this law- would be much less complicated for licensees with more than one license.

Liquor Law Changes

Page 22- 23 Repealed Statutes

- **12-2-12-4-201(g)** - license fee for county license must be the same as city/town if within 5 miles. Not needed, let the locals decide the fees.
- **12-4-407(d)** - old grandfather clause no longer needed. This allowed a limited retail license (club) to be issued a restaurant license if they qualified.
- **12-4-409**- prohibits the transfer of location for restaurant liquor license-no longer needed since restaurant liquor licenses are now unlimited.
- **12-4-410(f)** - removes the definition of room for restaurant liquor licenses. Local licensing authorities will decide on designated area.

Liquor Law Changes

Page 22- 23 Repealed Statutes

- **12-4-412**- current law for winery & microbrewery permits-being replaced with 12-4-414 & 12-4-415 respectively.
- **12-4-505(a) (b)**-malt beverage permit for state fair-can issue malt beverage permit under 12-4-504 which can be used year round if authorized by local authorities.
- **12-4-602(c)**- removes the restriction that a county license cannot be transferred for six years if it was part of an annexation.
- **12-4-603(b)** - same as above for retail or malt beverage permit- redundant not needed.
- **12-5-201(g) through (j)**-redundant statutes now combined under 12-5-201(f).

Liquor Law Changes

HB0156 Alcoholic Beverage Permits

- This bill created twelve (12) off-premise wine permits for holders of winery permits. This allows them to apply to any local licensing authority for a one-day permit to sell on-premise only their wine products at meetings, conventions, private parties, dinners or other similar gatherings.
- The one day permit will be priced by the local authorities at no less than ten dollars (\$10.00) and no more than fifty dollars (\$50.00). This bill is effective July 1, 2021.

Liquor Law Changes

HB0159 Liquor Manufacturer Regulations

- This bill created an additional satellite for holders of a manufacturing permit. A satellite permit allows the holder to sell their manufactured products for both on and off-premise.
- The additional permit fee cannot exceed one hundred dollars (\$100.00). This bill is effective July 1, 2021.

Liquor Law Changes

HB0169 Alcoholic Liquors Mark-up Amount

- Under current law the Wyoming Liquor Division will add a 17.6% markup on the wholesale cost of liquor.
- This bill would have raised the markup to 20.6%. This bill failed to report prior to CoW cutoff.

Liquor Law Changes

HB0185 Wine-Assessment on Direct Sales

- This bill would have increased the tax on wine that comes into Wyoming through out-of-state shippers licensed by the Division.
- The current tax is twelve percent (12%) and this bill would have increased the amount to seventeen and six tenths percent (17.6%). The House did not consider for introduction.

Liquor Law Changes

HB0216 Distillery Manufacturers- Two Satellite Locations

- This bill would have increased the number of satellites from one to two that a holder of a manufacturers permit could obtain. This was taken care of in HB0159. The House did not consider for introduction.

Liquor Law Changes

Census Figures

Usually received from Administration & Information April or May

Will not receive them until September

WLD will send updated Census Report showing all licenses for all jurisdictions

Liquor Law Changes

Questions?

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Thank You!!!