

Chapter 20

Liquor Division Rules

Section 1. Authority.

These rules and regulations are promulgated under the authority of Wyoming Statutes 12-2-301(b), 12-2-303(d) and 16-3-102(a).

Section 2. Application and Qualifications for all Licenses and Permits.

(a) Each applicant for a license or permit issued by any licensing authority shall comply with applicable federal, state and local statutes, rules and regulations. In addition to the application requirements established by the Wyoming Alcoholic Beverages statutes W.S. 12-1-101 through 12-10-102 and division administrative requirements, the following minimum requirements:

(i) If the applicant is a general partnership, each partner shall sign and verify the application.

(ii) If the applicant is a corporation, limited liability company, limited partnership, limited liability partnership, or any other business entity recognized by Wyoming law, the applicant shall be registered with the Secretary of State and have an active status.

(b) Application Reviews. The licensing authority shall be responsible for ensuring the submitted application contains correct and valid information.

(c) Sales Tax and Liquor Licenses. To administer the requirement set forth in W.S. 12-2-306, the person stated on the liquor license or permit shall be the same person stated on the sales tax license unless a special circumstance exception has been applied for in writing to the division by the licensee or permittee and approved by the Director of the Department of Revenue.

(d) Licensed Premises. The applicant shall certify that it owns or leases the building that it intends to sell alcoholic or malt beverages from. Upon request by the applicable licensing authority, the applicant shall provide a copy of the lease that includes an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises through the term of the license.

Section 3. Revocation and Suspension. Any license or permit may be suspended or revoked for any violation of the Wyoming Alcoholic Beverage Statutes or for violation of this chapter. Administrative revocation or suspension proceedings by the division shall be conducted in accordance with W.S. 12-7-201. Upon the final suspension or revocation of a license or permit, the division shall determine disposition of all remaining inventory of the licensee in accordance with W.S. 12-7-201(e).

Section 4. Industry Representatives.

(a) **Representative License.** All manufacturer, brewery and winery vendors' agents, salespersons, solicitors, brokers, sales consultants, and representatives shall be licensed by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-203(b), this chapter and applicable state and federal laws. A representative may represent more than one (1) company.

(b) **License Fee.** The following fees for a class A, class B, or class C representative's license, shall be payable at the time of application to the division:

- (i) Class A representative - \$100.00;
- (ii) Class B representative - \$50.00; and
- (iii) Class C representative - \$10.00.

(c) **Data Access.** Class A representatives who desire access to online reporting software for the purpose of generating reports associated with their appointed division vendors to monitor various data at the division's discretion which may include: item inventory levels, special order processes, and customer purchase information, may purchase access for themselves at the amount incurred by the division.

(d) **Duration of License.** The class A and class B representative's license shall be issued for up to one (1) year and may be renewed annually unless otherwise suspended or revoked. All licenses shall expire on June 30 of each calendar year. The initial term of a license may be less than one year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly. All applications for renewal of licenses and license fees shall be filed with the Division forty-five (45) days prior to the date of expiration.

(e) Application for a class C representative license shall be accompanied by a written statement from a class A representative indicating the date of the event for which the class C representative shall be licensed.

(f) **Responsibilities of Licensed Representatives.** Class A representatives shall be responsible for the presentation of products, to the division, for listing and delisting per division policies. Licensed class A or class B representatives may advertise and promote the sale of vendors' products and shall be permitted on-site personal visits with licensees to provide product identification, advance notice of new listings, delistings, product updates, and other pertinent information. Licensed representatives shall not be permitted to place orders on behalf of licensees with the division.

(g) **Representation Status.** Within three (3) business days, all vendors shall notify the division, in writing, of the employment or termination of any class A representative promoting the sale of its products within Wyoming. Within three (3) business days, a class A representative

shall notify the division, in writing, of the employment or termination of any class B representatives promoting the sale of assigned products within Wyoming.

(h) Sampling. Provided that all applicable state and federal laws, rules, and regulations pertaining to the shipment and use of alcoholic beverages into Wyoming are strictly adhered to, samples are allowed. Samples of alcoholic beverages provided by licensed industry representatives shall also be subject to the following conditions:

(i) Alcoholic liquors samples supplied directly from vendors shall be shipped to the division for processing and forwarding to the final destination. Direct shipping of samples to licensees or industry representatives is prohibited.

(ii) Industry representatives shall only furnish or give samples of alcoholic beverages to a licensee, his agents or employees, who has not previously purchased the brand from an industry representative within the last 12 months. For each licensee, samples furnished by industry representatives are limited as follows:

(A) No more than 3 gallons of any brand of malt beverage;

(B) No more than 3 liters of any brand of distilled spirits;

(C) No more than 3 liters of any brand of wine; and

(D) If a particular product is not available in a size within the quantity limitations of this section, an industry representative may furnish to a licensee the next larger size.

(iii) The distribution of unopened samples to the licensee in the form of a bonus of free goods or an inducement for future purchases is prohibited.

(iv) The seal on all samples shall be broken at the time of sampling.

(v) Class A and class B representatives may be permitted to purchase samples from the division or a licensee.

(vi) All sampling must be conducted on a licensed or permitted premises.

(i) Advertising, Display and Promotional Materials.

(i) The giving or offering of a bonus, premium, compensation or other thing of value by an industry representative to any licensee, their owners, officers, employees or representatives for their exclusive or personal use is prohibited.

(ii) An advertisement of alcoholic beverages shall not contain:

(A) Any statement that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression;

(B) Any statement that is disparaging of a competitor's product;

(C) Any statement, design, device, or representation which is obscene or indecent;

(D) Any statement, design, device, or representation of or relating to analyses, standards or tests, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer;

(E) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the appropriate TTB officer finds to be likely to mislead the consumer. Money-back guarantees are not prohibited; or

(F) Contain an offer to a consumer of a prize, premium, or award upon completion of a contest, or otherwise promote any contest among consumers where a purchase is mandatory or conditional. All promotions and sweepstakes shall have prior approval from the division.

(iii) All advertising, display and promotional materials of vendors shall be sent to class A or class B representatives directly. This type of material shall not be consigned to the division.

(j) Private Labels. The use of private labels on any alcoholic or malt beverage container offered for sale or use in Wyoming is allowed subject to approval from the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB). Documentation of TTB approval shall be provided to the division prior to any alcoholic or malt beverage container with a private label being offered for sale or use in Wyoming. All licensees may purchase any alcoholic liquor or malt beverage with an approved private label and shall not be exclusive to any licensee.

Section 5. Malt Beverages Wholesalers.

(a) Wholesalers License. A license to wholesale malt beverages in Wyoming shall be issued by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-201, this chapter and applicable state and federal laws, rules, and regulations.

(i) Satellite warehouse locations. A licensee shall declare to the division in writing all satellite locations.

(b) Duration of License. A malt beverages wholesaler's license shall be issued for up to one (1) year and may be renewed annually unless otherwise suspended or revoked. All licenses shall expire on June 30 of each year. The initial term of a license may be less than one

year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly. All applications for renewal of licenses and license fees shall be filed with the division forty-five (45) days prior to the date of expiration. Upon application for renewal of a malt beverage wholesaler's license, the division may consider the adequacy and uniformity of service provided to licensees in the wholesaler's territory.

(c) Applicants shall apply using forms provided by the division. Application forms shall include:

(i) A copy of the applicant's federal basic permit issued by the TTB; and

(ii) The fee as set out in W.S. 12-2-201(a) shall be payable at the time of application to the division.

(d) Malt Beverage Wholesaler Monthly Reports.

(i) Each licensed malt beverage wholesaler shall report to the division all malt beverages purchased not later than the fifteenth (15th) day of the month following the purchases, using forms approved by the division. All applicable excise taxes shall be paid at the time of making and filing the report. Failure to timely file this report as required by this subsection will be reported to the Department of Revenue Excise Tax Division. There shall be attached to each report, identification of all original invoices of purchases of malt beverages made during each monthly period by the reporting licensee. If no purchase of malt beverages occurred for any given month, a zero report is required.

(ii) Any wholesaler that purchases malt beverages from in-state suppliers is exempt from reporting the purchases on the monthly wholesaler report.

(iii) Malt beverage wholesalers shall make deliveries and service from the licensed warehouse to service all licensees uniformly within their assigned geographical territories. This shall not preclude special arrangements that are mutually agreeable between licensees and wholesalers. Volume discounts are allowed if applied uniformly to each category within a license type. For example on-premise licensees: If volume discounts are used, those discounts must be applied to all on-premise licensees within the assigned territory.

(e) Brewer Reports. All out-of-state breweries, microbreweries and wholesalers making sales of malt beverages to Wyoming wholesalers shall report to the division the quantity sold to each Wyoming wholesaler. The report shall be submitted to the division not later than the fifteenth (15th) day of each month following the month during which the sales were made. Failure to timely file this report as required by this section shall be reported to the Department of Revenue Excise Tax Division. If no sales of malt beverages to Wyoming wholesalers for any given month, a zero report is required.

Section 6. Microbrewery Permit Holders

(a) Applicants shall submit a copy of the Applicant's federal basic permit issued by TTB.

(b) Microbrewery Permit Holder Monthly Reports

(i) Each microbrewery permit holder shall report to the division all malt beverages produced not later than the fifteenth (15th) day of the month following production using forms approved by the division. All applicable excise taxes shall be paid at the time of making and filing the report. If no production occurred for any given month, a zero report is required. Failure to timely file this report as required by this subsection will be reported to the Department of Revenue Excise Tax Division.

(ii) Any microbrewery may hold a malt beverage wholesaler's license. Any microbrewery permit holder who also holds a malt beverage wholesaler license and who only distributes their own products within the state, is exempt from filing the monthly wholesaler report.

Section 7. Winery Permit Holders

(a) Applicants shall submit a copy of the Applicant's federal basic permit issued by TTB.

(b) Each winery permit holder shall report to the division all wine beverages produced no later than the fifteenth (15th) day of the month following production using forms approved by the division. All applicable excise taxes shall be paid at the time of making and filing the report. If no production occurred for any given month, a zero report is required. Failure to timely file this report as required by this subsection will be reported to the Department of Revenue Excise Tax Division.

Section 8. Manufacturer's License to Manufacture Alcoholic Liquors

(a) **Manufacturer's License.** A license to manufacture alcoholic beverages in Wyoming shall be issued by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-203, 12-4-414, 12-4-415, this chapter and applicable state and federal laws, rules, and regulations. A licensed manufacturer shall sell its Wyoming manufactured product exclusively to the division. Sales to out-of-state purchasers are permitted.

(b) **Duration of License.** A manufacturer's license shall be issued for up to one (1) year and may be renewed annually unless otherwise suspended or revoked. All licenses shall expire on June 30 of each year. The initial term of a license may be less than one year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly. All applications for renewal of licenses and license fees shall be filed with the division forty-five (45) days prior to the date of expiration.

(c) Applicants shall submit a copy of the Applicant's federal basic permit issued by TTB.

Section 9. Commercial Importation and Storage of Alcoholic Beverages.

(a) Importer License. A license to import alcoholic liquors into Wyoming shall be issued by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-203, except as otherwise provided by W.S. 12-3-101(d), this chapter and applicable state and federal laws, rules, and regulations. A licensed importer shall exclusively sell to the division for sales within the state. Sales to out-of-state purchasers are permitted.

(b) Duration of License. An importer's license shall be issued for up to one (1) year and may be renewed annually unless otherwise suspended or revoked. All licenses shall expire on June 30 of each year. The initial term of a license may be less than one year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly. All applications for renewal of licenses and license fees shall be filed with the division forty-five (45) days prior to the date of expiration.

(c) Each applicant for a license shall submit to the division a statement under oath stating that the applicant will maintain a licensed warehouse within Wyoming and identifying all products which the applicant proposes to import and store within Wyoming.

(d) Applicants shall submit a copy of the Applicant's federal basic permit issued by TTB.

(e) Conditions of License. Upon issuance of a license, the licensee shall comply with the following terms and conditions:

(i) Any alcoholic beverages being stored by the licensee in Wyoming shall not be stored in any place other than licensed warehouse designated upon the application for license, unless written notification is submitted to and approved by the division.

(ii) Any alcoholic beverages being stored by the licensee shall not be removed from storage except for transfer to the division or for interstate shipment upon twenty-four (24) hours advance written notification to the division;

(iii) The division shall have the right to review any purchase, shipping, or inventory information; and

(iv) The licensee shall at all times maintain accurate and current records concerning purchases, receipts, and shipments, and shall within forty-eight (48) hours prior to importation of any alcoholic liquor or malt beverages into Wyoming, submit to the division copies of all original invoices, shipping manifests, and bills of lading.

Section 10. Chartered Transportation Services Limited Liquor License.

(a) Limited Transportation License. A license to sell alcoholic liquors and malt beverages shall be issued by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-202, this chapter and applicable state and federal laws, rules, and regulations. Applicant shall:

(i) Meet the definitions of “contract motor carrier” as defined under W.S. 31-18-101(a)(x)(A) and “motor vehicle” as defined by W.S. 31-18-101(a)(xi);

(ii) Submit the required fees payable to the division as follows:

(A) A \$25 fee for each limited transportation license valid for one 24 hour period; or

(B) A \$250 fee for a limited transportation license valid for one year. Multiple vehicles may utilize the yearly license by providing valid license plate numbers for each vehicle to the division.

(b) The limited transportation licensee shall:

(i) Display the license predominately in front window;

(ii) Ensure the driver knows, understands, and adheres to all applicable liquor laws;

(iii) Ensure procedures are in place to prohibit persons under 21 years of age from obtaining and consuming alcohol; and

(iv) Ensure alcohol is dispensed and consumed within the licensed vehicle exclusive of the driver’s area.

Section 11. Out-of-State Wine Shippers.

(a) Out-of-State Wine Shipper’s License. A license to ship manufactured wine into Wyoming by qualified businesses shall be issued by the division in accordance with the provisions of the Wyoming Alcoholic Beverages statutes W.S. 12-2-204, this chapter and applicable state and federal laws, rules, and regulations.

(b) Duration of License. An out-of-state wine shipper’s license shall be issued for up to one (1) year and may be renewed annually unless otherwise suspended or revoked. All licenses shall expire on June 30 of each year. The initial term of a license may be less than one year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly. All applications for renewal of licenses and license fees shall be filed with the division forty-five (45) days prior to the date of expiration.

(c) Out-of-State Wine Shipper Monthly Reports.

(i) Each licensed out-of-state shipper shall submit a report and all applicable taxes to the division on a monthly basis. A copy of each invoice for each shipment shall be attached to the tax report. The invoice shall indicate a full description of the product and the volume shipped to each household or retailer. If no shipments into Wyoming occurred for any given month, a zero report is required.

Section 12. Alcohol Server Training Program Certification, Provider Certification and Server Certification.

(a) Training Program Certification. Each training program shall meet or exceed the minimum curriculum standards to obtain an annual certification from the division. All training programs shall make application to the division on a form provided by the division. Each applicant shall include:

(i) A copy of the course curriculum;

(A) Minimum curricula standards shall include:

(I) Physiological and behavioral effects of alcohol use;

(II) Absorption rate factors;

(III) Blood alcohol content (BAC);

(IV) Laws affecting servers and sellers of alcohol;

(V) Potential alcohol related problems in professional or social settings;

(VI) Strategies for dealing with problem situations; and

(VII) Proper methods for checking identification and how to spot false or altered identification.

(B) Training program format shall include:

(I) Lecture and discussion on curricula standards;

(II) Use of filmed, taped or digital reenactments of specific scenes involving potential intoxication, intoxication and attempts at illegal purchase of alcohol;

(III) Focus on how to assess and evaluate situations and behavior;

(IV) Lecture and discussion of both effective and ineffective intervention techniques;

(V) A minimum of four (4) hours instructional time; and

(VI) Servers will be certified upon completion of the course by achieving a score of at least seventy percent (70%) on the comprehensive written examination. The certification will be for a period of not less than three (3) years.

(ii) Testing procedures;

(iii) A current roster of certified course providers; and

(iv) Standards and procedures used to certify course providers, as required alcohol server training courses or other programs approved by the division.

(b) All training program certifications shall expire on August 31 of each year. All applications for renewal of certification shall be filed with the division forty-five (45) days prior to the date of expiration.

(c) Provider Training Certification. Prior to administering provider training in any certified training program, providers shall submit a copy of a certificate of qualification to instruct their associated alcohol server training program.

(i) Provider certification shall meet or exceed the following minimum qualifications:

(A) Successfully complete a minimum 12-hour provider training workshop conducted by a certified instructor to become an alcohol server training program provider;

(B) Successfully complete a written examination at the end of the workshop by achieving a score of at least seventy percent (70%); and

(C) Conduct an alcohol server training class within four (4) months of completing provider training workshop or co-instruct an alcohol server training class with a certified instructor within twelve (12) months of completing the instructor workshop.

(ii) Provider training certification is issued for a period of one (1) year after which recertification shall be required.

(iii) The division may suspend, revoke or deny renewal of any certification issued to a provider if, after notice and opportunity for hearing, the division finds the provider has violated any rule or regulation of the division.