

Explanation and Highlights of HB0013

HB0013 is the culmination of the cooperation over the last two years between the Wyoming State Liquor Association and the Wyoming Liquor Division with input from cities, towns, counties and law enforcement. This bill modernizes and provides business friendly updates to Title 12, a.k.a., Wyoming's Alcohol Beverage Control Laws.

Some of the changes will affect local licensing authorities which may require updates to your local code.

The law changes are effective July 1st, 2021 so you have time to adjust any local code.

- The first eleven pages simply separate microbrewery and winery law but do not change existing law. These are two different animals as far as licenses go. They have different qualifications and restrictions so separating them out will help everyone understand the law better.
- Starting on Page 11, delivery law is created to both codify and install state level sideboards for local delivery of alcoholic beverages. The delivery of alcohol products from Full Retail liquor licensees was already allowed in Wyoming, which was clarified by Attorney General Opinions. This section doesn't allow anything that wasn't already allowed, it just adds statutory guidelines for conformity and public safety.
 - This statute specifically states that full retail license holders, county retail malt beverage, microbrewers, wineries, winery satellite and distilleries under satellite permits can deliver alcoholic beverages. No other license types can deliver, so restaurant, club, resort, bar & grill can not deliver alcoholic beverages.
 - Also keep in mind, this is delivery by the local package store not shipping. Delivery is the local package store taking an order for a case of wine at the store and delivering it to your house. Shipping is the local package store taking an order for a case of wine then contacting UPS or Fed Ex to ship it across the state. Retailers will be able to contract deliveries with local delivery companies like Uber Eats or Door Dash but they must also be in compliance with local health and safety codes like TiPS (alcohol server training).
- 12-5-601 also defines what a "sealed" container is for off-premises consumption. By defining sealed containers better, both law enforcement and retailers will know what is and is not allowed for package sales.
- Page 14 adds all of the current liquor licenses to the definition section of Title 12. **No new licenses are created.**
- On page 15 is one of the big changes to state law. The archaic restrictions are removed for qualifications for a restaurant liquor license. The main requirement now is that meals must be prepared and served for on premise consumption and the 60/40 split of food sales versus alcohol sales remains. No more printed food menus and hamburgers, sandwiches and salads may now qualify. It will now be up to the local authority to decide if a restaurant qualifies for a restaurant liquor license. If your governing body wishes to license a Burger King to sell beer, they will now have that opportunity. More on this later.
- Pages 16 & 17 the bill removes the requirement for Industry Representatives to be residents bringing this law into compliance with recent Supreme Court Cases. It further clarifies language that local microbrewery, winery and distillery owners can legally represent their own products.

- Pages 18 & 19 increases the amount of wine that can be direct shipped into Wyoming under an out of state wine shipper license from 4 cases to 12. This increase will also apply to in-state wineries.
- Another big win for local licensing authorities. Page 20 deletes the requirement to post a public notice at the physical location by the licensing authority. Since most information is now posted on websites now days, there is little need to physically post a notice at the business location.
- On page 23 & 24 retailers will also be able to ship 12 cases of wine within the state bringing this portion of law into compliance with the two Supreme Court cases.
- Page 25 removes the transfer restrictions for resort liquor licenses. Resorts could not transfer locations, now they will be able to if they wish.
- Here is another big change that we have been trying to eliminate for many years. Pages 26 & 27 eliminate the room requirement and other archaic restrictions for restaurant liquor licenses. As you remember restaurant licenses still required a specific room for dispensing alcohol, this bill removes that requirement. Restaurants no longer need to construct a “room” or frame around a fridge to have a restaurant liquor license.
- Licensing authorities will now approve a dispensing “area” and the area will be age restricted to 18 and over. No consumption can take place in this area meaning a restaurant can not operate as a bar. This new definition simply removes the requirement to construct a room and may require updates to your local codes.
- Page 27 also removes the fee restriction on county restaurant liquor licenses. Previous law required any restaurant within 5 miles of a city or town have the same fee as that city or town. Counties can now access their own fee within the range of \$500 to \$3,000.
- Page 28 & 29 addresses 24 hour (daily) permits. Language was added to prohibit a business from operating on daily permits. These limited permits were only designed for temporary events, not operating continuous businesses causing conflict with yearly license holders.
- Page 29 also removes the limit exemption for fairs, rodeos, para-mutual events or other public events and the Rochelle Gateway Center. All of these location can be licensed under the Special Malt Beverage Permit for an entire year with fees defined by local authority so these exemptions were no longer needed.
- Page 30 another big win for local authorities. 12-4-504 will specifically allow licensing authorities to set fees, license term, sale and consumption areas on the Special Malt Beverage permits.
- Pages 30 & 31 removes the 5 mile limit for county malt beverage licenses. Counties can now issue beer licenses to businesses outside any incorporated city or town no matter how close they are to the city or town. This should provide many business opportunities to new and existing businesses.
- Page 31 is just clean up language for golf club and guest ranch designations. They can dispense anywhere on the property just like a resort license can. The language should clarify this ability more.
- And page 34 addresses the sales location in a package store. Local authority now approves this area in package stores. This update may require changes to your local code.

- Page 34 Section 3 are all the repealed laws. (Some were previously discussed)
 - **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.
 - **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.
 - **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).