

Liquor Law Changes

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Liquor Law Changes

Enrolled Act #17, Original House Bill0013

- WLD staff wanted to provide a summary of the bill due to the many questions we are receiving
- This Powerpoint will not cover every page but touch on the highlights of the bill
- Some changes will require updates to your local codes
- If you have a specific question, please contact us (we're always glad to help)

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
- 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

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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

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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

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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

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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

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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

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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

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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 Room

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 Room

- 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, 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

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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

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

- Language was added 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

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

- Also removes the permit limits exceptions for daily permits
- Exceptions applied to fairs, rodeos, parmutual 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

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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

WAMCAT Casper

Questions?

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Thank You!!!