

WAMCAT

2019

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Casper, Wyoming

January 14, 2013

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Agenda

- Legislative Update
- Legal Entities
- 24 Hr Permits
- Licensing Review
- General Licensing

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Legislative Update

- Very Busy Session
- 11 Bills considered by the Legislature
 - 7 House Bills
 - 4 Senate Files
- Several others requiring research

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Legislative Update

- Bill Look Up- www.wyoleg.gov



The screenshot shows a web browser window with the URL <https://www.wyoleg.gov/> in the address bar. A yellow arrow points to the URL. The page header features the Wyoming State Legislature logo and the text "STATE OF WYOMING 65th LEGISLATURE". Below the header is a navigation menu with the following items: STATE STATUTES & CONSTITUTION, STATE FINANCES, PUBLICATIONS & RESEARCH, CITIZEN ENGAGEMENT, and MEDIA. The main content area is titled "2019 General Session" and contains the following text: "The 2019 Session adjourned February 28. The 2020 Budget Session is scheduled to begin February 10." Below this text are links for "2019 Bills" and "Listen to archived audio floor debate." The background of the page features a blurred image of the Wyoming State Capitol building and a gavel.

WAMCAT Casper Legislative Update

Browser address bar: s://wyoleg.gov/Legislation/2019

Navigation menu: STATE STATUTES & CONSTITUTION ▾ STATE FINANCES ▾ PUBLICATIONS & RESEARCH ▾ CITIZEN ENGAGEMENT ▾ MEDIA ▾

Legislation - 2019

Home » Legislation » 2019

Bill & File Selection: All Bills and Files ▾ Select Year ▾

(Note: You can sort the grid in ascending or descending order by clicking on the Bill, Catch Title, Sponsor, Last Action or Last Action Date column headers).

Filter bills: Active Bills Enrolled Bills Inactive Bills

Bill	Catch Title	Sponsor	Last Action	Last Action Date
<input type="text" value="Search"/>	<input type="text" value="beer"/>	<input type="text" value="Search"/>		
HB0076	Wyoming Beer Freedom Act.	Pelkey	Assigned Chapter Number 108	02/26/2019

CALENDARS

Legislative Meetings

COMMITTEES

Joint & Standing

LEGISLATION

Browse 2019 Bills

LEGISLATORS

Senators

WAMCAT Casper Legislative Update

wyoleg.gov/Legislation/2019/HB0076 Bill Detail

HB0076 - Wyoming Beer Freedom Act.

Bill Text Status Amendments Fiscal Note Votes Digest Summary Comment

The current version of the bill text is displayed below. To view all versions of the bill with page and line numbers, use the PDF documents located to the right, under "Bill Versions & Resources."

Sponsor:

Representative Pelkey

Co-Sponsor:

Representative(s)
Barlow, Blake,
Burlingame, Lindholm,
Pownall
Senator(s) Rothfuss

ORIGINAL HOUSE
BILL NO. HB0076

ENGROSSED

ENROLLED ACT NO. 41, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION


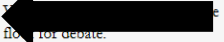


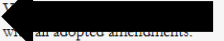



AN ACT relating to alcoholic beverages; authorizing appropriate licensing authorities to issue twenty-four hour malt beverage permits to microbreweries; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 12-4-103(a)(vi) and 12-4-412 by creating a new subsection (j) are amended to read:

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

Bill Versions and Resources:

- Introduced  
- Engrossed  Version that includes adopted amendments from first chamber.
- Enrolled  
- Fiscal note  Estimate of the fiscal and personnel impact to the state for the bill.
- Digest  A summary of proceedings for the bill as it moves through the process.
- Summary  A high level synopsis of the bill once it is signed into law.

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Legislative Update

- HB 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.

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Legislative Update

- HB 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.

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Legislative Update

- HB 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.

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Legislative Update

- HB 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.

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Legislative Update

- HB 219

Alcoholic beverages- 24 hour permit

Allows Wyoming distilleries to hold 12 manufacture'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. Templates attached.

Bill is effective July 1, 2019

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Legislative Update

24 HOUR ALCOHOLIC BEVERAGE SALES PERMIT

Applicant: _____

Business / Trade Name (D/B/A): _____

Name of Event: _____

Event Location: _____

Permitted Date(s): _____

This permit authorizes the Applicant and the Applicant's representatives to sell alcoholic beverages under the permit type designated below for only On-Premises sales and consumption only at the permitted event pursuant to all applicable Wyoming state laws and rules, and all applicable local laws and rules.

TYPE OF PERMIT (CHOOSE ONLY ONE)

Malt Beverage Permit (W.S. 12-4-502(a) / W.S. 12-2-201(b))
Sale of only Malt Beverage Products obtained from a Licensed Malt Beverage Wholesaler

Catering Permit (W.S. 12-4-502(b))
Sale of only the Retail or Resort License Holder's own Alcohol Stock

Malt Beverage Permit for Microbrewery (W.S. 12-4-412(j) / W.S. 12-4-502(a))
Sale of only the Microbrewery's own, Brewed Malt Beverage Products

Manufacturer's Off-Premise Permit (W.S. 12-2-203(g)(iii))
Sale of only the Manufacturer's own, Wyoming Manufactured Products

Authorized by the Town or City Council or the Board of County Commissioners of:

(INSERT LICENSING AUTHORITY NAME / JURISDICTION)

Licensing Authority Official(s) Signature(s)

_____ (Signature)	_____ (Title)	_____ (Date)
_____ (Signature)	_____ (Title)	_____ (Date)

24 HR ALCOHOLIC BEVERAGE SALES PERMIT APPLICATION

To be completed by City/County Clerk

Date filed with clerk: ____/____/____ Local Permit #: _____

Permit Fee Per Day: \$ _____ (\$50.00 maximum fee per day)

Number of Days: _____

Total Permit Fee: \$ _____ (Permit Fee Per Day X Number of Days)

Event Date(s): ____/____/____ Through ____/____/____

Applicant: _____

Business / Trade Name (D/B/A): _____

Contact Person: _____ Phone: (____) _____ - _____

Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Business Phone: (____) _____ - _____ E-Mail Address: _____

Name of Event: _____

Event Location: _____

FILING IN (CHOOSE ONLY ONE) (Licensing Authority Jurisdiction)	FILING AS (CHOOSE ONLY ONE)	
<input type="checkbox"/> CITY / TOWN OF: _____	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> CORPORATION
<input type="checkbox"/> COUNTY OF: _____	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> LTD PARTNERSHIP
	<input type="checkbox"/> LP/LLP	<input type="checkbox"/> ORGANIZATION
	<input type="checkbox"/> LLC	<input type="checkbox"/> OTHER

TYPE OF PERMIT (CHOOSE ONLY ONE)

NOTE: EACH PERMIT IS FOR ONLY THE ON-PREMISE SALES AND CONSUMPTION OF ALCOHOL AND ONLY AT THE PERMITTED EVENT

<input type="checkbox"/> Malt Beverage Permit (W.S. 12-4-502(a) / W.S. 12-2-201(b)) Malt Beverage Permit Applicants receiving anything of value (i.e. money, goods, and or services from any Industry Representative must answer the following: (W.S. 12-5-402(a)) Nonprofit Corporation under the laws of Wyoming? Yes <input type="checkbox"/> No <input type="checkbox"/> Tax Exempt Organization under the Internal Revenue Code? Yes <input type="checkbox"/> No <input type="checkbox"/> And has the Applicant been in continuous Operation for not less than two (2) years? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Catering Permit (W.S. 12-4-502(b)) For Currently Licensed Retail or Resort License Holders Only	<input type="checkbox"/> Manufacturer's Off-Premise Permit (W.S. 12-2-203(g)(iii)) For the Sale of only the Manufacturer's own, Wyoming Manufactured Products
	<input type="checkbox"/> Malt Beverage Permit for Microbrewery (W.S. 12-4-412(j) / W.S. 12-4-502(a)) For the Sale of only the Microbrewery's own, Brewed Malt Beverage Products	

By filing this application, the Applicant and the Applicant's representatives agree to sell alcoholic beverages and operate in Wyoming under the requirements of all applicable Wyoming state laws and rules, local laws and rules, and to file required sales tax reporting documents and applicable sales taxes.

By signing this application, I acknowledge for the Applicant, that all of the information provided is true and correct. This application must be signed by an Owner, Partner, or a Corporate Officer, an LLC / LLP member, or an individual authorized by the Applicant to act on behalf of the Applicant.

Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

Applicant Signature: _____ Printed Name: _____ Date: ____/____/____

Signature of Licensing Authority Official _____

Title _____ Date _____

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Legislative Update

- HB 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.

Complete ownership" means that all officers, owners or members are identical for all licenses and permits held.

Will effect local ordinances.

Bill is effective immediately.

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Legislative Update

- HB 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 3rd reading.

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Legislative Update

- SF 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.

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Legislative Update

- SF 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.

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Legislative Update

- SF 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.

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Legislative Update

- SF 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.

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Legislative Update

Future Legislation- revisions

- Minimum Purchase Requirement
- Definition of a restaurant
- Legal Description
- Posting notice at business location
- Separation of microbrewery and winery law

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Legal Entities

- Applicant line is very important- drives the entire application
- W.S. 12-1-101 (a)(xii) “Person” includes an individual person, partnership, corporation, limited liability company or any other association or entity, public or private.”

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Legal Entities

- 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

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24 Hr Permits

- That time of year for fairs, rodeos, carnivals and brewfests
- Always tell you they are not selling- **“it’s free”**
- Definition of sale- W.S. 12-1-101
- "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.

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24 Hr Permits

- Update ordinances to reflect changes in liquor law
- Permit fees- from \$100 to \$50
- Allow microbreweries to hold malt beverage permits
- Allow distilleries to hold Off-Premises permits

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24 Hr Permits

- Definition of “Operational” for the local authority
- 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.

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Licensing Review

Renewals

- Must be submitted to WLD at least 60 days before expiration
 - Hearing is 30 days prior to expiration
 - 2 weeks advertising
 - Apps coming in just days before or even after the hearing
- Law requires WLD staff to review all applications PRIOR to the renewal hearing
 - 10 working days

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Licensing Review

Renewals

- Don't notify clerks unless a correction is issued
 - 1,400 retail licenses for two agents
- Correction Notice (TNG's)- Applications must be complete going into the renewal hearing
 - **Corrections coming in after hearing**
- Checking on renewals- May take some time depending on the time of year
- No News is Good News- Assume application is complete if you have not heard from us

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Licensing Review

New Applications

- Applicant is consistent throughout the application
 - Individual name on applicant line vs LLC on a lease
 - Applies to financials and leases
- Applicant qualifications
 - All licenses have qualifications, some are more restrictive than others

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General Licensing Guidelines

Restaurants/Bar & Grill Applicants

- Have to qualify as a full service restaurant under 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.

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General Licensing Guidelines

Restaurants/Bar & Grill

- Have to qualify as a full service restaurant under W.S. 12-1-101
- "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.**

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General Licensing Guidelines

Restaurants

- Current copy of the food service permit
- Copy of the menu to verify restaurant qualifies
- Dispensing room enclosed

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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

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Questions?

WLD Staff

Tom Montoya	Chief of Enforcement	777-6453
Kelly Hunt	Senior Agent/Licensing	777-6449
Jason Allen	Agent	777-7233

WLD website liquor.wyoming.gov

Thank You!!!