

WYOMING MALT BEVERAGE WHOLESALER INFORMATION

Title 12, State of Wyoming Alcoholic Beverage Control Laws

12-2-201. Wholesale license for sale of malt beverages only; fee.

(a) Except as otherwise provided in paragraph (ii) of this subsection a wholesale license authorizing the sale of malt beverages only may be granted by the commission to microbreweries and malt beverage wholesalers resident within this state. Wholesale licensees have the exclusive right to sell malt beverages at wholesale. Any qualified person desiring a wholesale license shall apply to the commission on forms to be provided and pay a license fee of two hundred fifty dollars (\$250.00) annually in advance. A wholesale license issued under this subsection shall be subject to the following:

(i) Except as provided in paragraph (ii) of this section, no brewery or malt beverage importer may have any legal ownership interest, in whole or in part, in the license, business, assets or corporate stock of a licensee under this subsection;

(ii) The commission may issue a temporary wholesale license under this subsection to a brewery or malt beverage importer if a current licensee who has been granted distribution rights for a brand in a designated sales territory is unable to service the territory as a result of the loss of his license, bankruptcy or insolvency, and the loss of license, bankruptcy or insolvency is not the result of action by the brewery or malt beverage importer that is prohibited under the franchise agreement. A temporary license under this paragraph may be issued for a period not to exceed one (1) year and shall be limited to the sale of products in the designated territory;

(iii) Nothing in this subsection shall be interpreted to impair any contract between a brewery, malt beverage manufacturer or malt beverage importer and a distributor.

(b) Each applicant shall submit to the commission a statement under oath designating clearly the geographical territory within which the applicant will sell and deliver malt beverages to qualified retail liquor and malt beverage licensees or permittees only. The territory is to be that designated by the brewer or brewer's authorized agent whose product the applicant sells. The application shall state that malt beverages sold by the applicant may be purchased by all retail liquor licensees or malt beverage permittees, and that the applicant will maintain a warehouse and delivery facilities within the territory designated. This subsection does not apply to a licensed malt beverage wholesaler when there has been no territorial designation of a brand by a brewer or the brewer's authorized agent to another licensed wholesaler. The commission may authorize a licensed wholesaler to annually purchase not more than one hundred fifteen (115) gallons of any unassigned brand. A retail liquor licensee or malt beverage permittee shall purchase all malt beverages for retail sale only from a Wyoming wholesale malt beverage licensee.

(c) A malt beverage wholesaler may sell to or purchase from another malt beverage wholesaler only those products the purchasing wholesaler is licensed to sell within his designated territory. A copy of the invoice of the transaction shall be submitted to the Wyoming liquor commission by the seller. State excise tax shall be reported and paid by the licensed malt beverage wholesaler who has imported the products into the state.

(d) The commission may grant the number of licenses it deems appropriate and at points within the state as it may select.

(e) All Wyoming breweries and all malt beverage wholesalers shall be under the direct supervision of the commission and subject to all the provisions of this title and the rules and regulations of the department.

(f) Nothing in this section limits the commission's exclusive authority to wholesale alcoholic liquors.

(g) Notwithstanding W.S. 12-2-203, the commission:

(i) May authorize the sale of products of a microbrewery for off-premises sale through existing licensed wholesale malt beverage distributors according to W.S. 12-2-201 and subject to W.S. 12-2-304, 12-3-101 and 12-3-102; and

(ii) Shall assess to the microbrewery a fee not to exceed two hundred dollars (\$200.00) for the off-premises sale of microbrewery products;

(iii) The commission shall not grant a license for a brewery and a microbrewery to the same producer.

Chapter 20, Wyoming Department of Revenue Rules and Regulations, Liquor Division Methodology
Section 9. Malt Beverages.

(a.) Duration of License

A license to wholesale malt beverages in Wyoming shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall expire September 20 of each year. All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.

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.

(b.) Renewal. Upon application for renewal of a malt beverage wholesaler's license, the Division may consider the adequacy and uniformity of service provided to retail licensees in the wholesaler's territory.

(c.) Malt Beverage Wholesaler and Microbrewery Permit Holder Reports.

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, on forms approved by the division. The total tax is due and 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.

Malt beverage wholesalers shall make deliveries and service all licensees uniformly within their assigned geographical territories. This shall not preclude special arrangements that are mutually agreeable between licensees and wholesalers.

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, on forms approved by the division. The total tax is due and 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.

(d.) Brewer Reports. All breweries, microbreweries and out-of-state 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 will be reported to the Department of Revenue Excise Tax Division.