

SANDY BIRDYSHAW
733-3932 x 1113

MEMORANDUM

TO: New Liquor License Applicant
SUBJECT: Liquor License Application Packet
Date: July 12, 2016

Please find the following documents within this application packet:

1. Checklist for New Liquor License Applicants
2. New Liquor License Application
3. Affidavit / Authorizations
4. Affidavit of Understanding
5. Town of Jackson Municipal Code Chapter 6.10 Liquor Licenses and Permits
6. Wyoming State Statutes Title 12 Alcohol Beverages
7. Memorandum: Restaurant Menu and Description of Food and Alcohol Service
8. Memorandum: Promotion as a Bar
9. Types of Licenses and Permits in Wyoming
10. Contact information for Wyoming Liquor Division
11. FAQ: Alcohol Beverage Control Laws
12. Liquor Division Methodology

Please feel free to contact me if you have any questions.

Best regards,
Sandy Birdyshaw



NEW APPLICANT CHECKLIST

To apply for a liquor license, the following must be submitted:

1. One ***original*** application ***signed and notarized***. Required signatures: ALL individuals, ALL partners, ONE (1) LLC member, or TWO (2) corporate officers or directors except that if all the stock of the corporation is owned by ONE (1) individual then that individual may sign and verify, or TWO (2) Club Officers.
2. One original Affidavit/Authorization ***signed and notarized for each person who signed the application***.
3. One original Affidavit of Understanding ***signed and notarized for each person who signed the application***.
4. A Financial Statement indicating condition and stability of the applicant.
5. If the property is leased, a copy of the valid lease that runs through the liquor license year. (April 1 – March 31) **The lease must contain language permitting the sale of alcoholic or malt beverage on the leased premises.**
6. If a restaurant or resort application, a copy of the valid food service permit. Food service permits may be obtained by contacting Michael Dart at Teton County Environmental Health at 732-8490.
7. If a restaurant or resort application, submit a plan of operations setting forth in detail the areas proposed for dispensing room(s), service of alcoholic and malt beverages, and how food and alcoholic beverages will be served.
8. If a restaurant or resort application, include a copy of the full menu.
9. A copy of the floor plan setting forth the place of sale. Floor plan needs to be copied on 11x17 or 8½ x 11 paper. Larger drawings will not be accepted.
10. Alcohol may be served on outside decks/patios/porches only if specifically approved by the Town Council and the area is an immediately adjacent “fenced or enclosed” area to the licensed building.
11. Submit two separate checks with the completed application. One check in the amount of the liquor license for the year (may be prorated from the expected date of issuance) and one check for \$100 to cover advertising costs.
12. If this is a transfer of ownership application, please refer to the Transfer Application Checklist (not included in this packet).

Contact the Fire Department to satisfy inspection requirements of that department.

Prior to final approval, your dispensing room will need to be inspected. Please contact me when it is ready for inspection.

Applications should be submitted to:

Sandy Birdyshaw, Town Clerk
Town of Jackson
PO Box 1687, 150 East Pearl
Jackson, Wyoming 83001
Phone: 307-733-3932, ext. 1113
Email: sbirdyshaw@townofjackson.com
Website: www.townofjackson.com

NEW OR TRANSFER LIQUOR LICENSE OR PERMIT APPLICATION

To be completed by the City/Town or County Clerk:

Date Filed With Clerk: _____ / _____ / _____

	Annual Fee	Prorated Fee
Basic Fee:	\$ _____	\$ _____
Add'l Dispensing Room Fee:	\$ _____	\$ _____
Transfer Fee:	\$ _____	
Total License Fee Collected	\$ _____	\$ _____
Publishing Fee Collected:	\$ _____	

Publishing Direct Billed:

Advertising Dates (2 wks): _____

Hearing Date: _____ / _____ / _____

LICENSE TERM: _____ / _____ / _____
Month Day Year

Through: _____ / _____ / _____
Month Day Year

A copy must be immediately forwarded to:
State of Wyoming Liquor Division
6601 Campstool Rd.
Cheyenne WY 82002-0110

Formerly Held by: _____

Applicant: _____

Trade Name (dba): _____

Premise Address: _____
Number & Street

City _____ State _____ Zip _____ County _____

Mailing Address: _____
Number & Street or P.O. Box

City _____ State _____ Zip _____

Business Telephone Number: (____) _____

Fax Number: (____) _____

E-Mail Address: _____

LICENSING AUTHORITY: Begin publishing promptly. As W.S. 12-4-104(d) specifies: **NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.**

<p>FILING FOR</p> <p><input type="checkbox"/> NEW <input type="checkbox"/> TRANSFER LOCATION <input type="checkbox"/> TRANSFER OWNERSHIP</p> <p>FILING IN (CHOOSE ONLY ONE)</p> <p><input type="checkbox"/> CITY OF _____</p> <p><input type="checkbox"/> COUNTY OF _____</p> <p>FILING AS (CHOOSE ONLY ONE)</p> <p><input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LLC <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LLP <input type="checkbox"/> CORPORATION <input type="checkbox"/> LTD PARTNERSHIP <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> ORGANIZATION</p>	<p style="text-align: center;">TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)</p> <p>RETAIL LIQUOR LICENSE</p> <p><input type="checkbox"/> ON-PREMISE ONLY (BAR) <input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE) <input type="checkbox"/> COMBINATION ON/OFF PREMISE <small>(BOTH BAR & PACKAGE STORE)</small></p> <p><input type="checkbox"/> RESTAURANT LIQUOR LICENSE <input type="checkbox"/> RESORT LIQUOR LICENSE <input type="checkbox"/> BAR AND GRILL</p> <p>LIMITED RETAIL (CLUB)</p> <p><input type="checkbox"/> VETERANS CLUB <input type="checkbox"/> FRATERNAL CLUB <input type="checkbox"/> GOLF CLUB <input type="checkbox"/> SOCIAL CLUB</p> <p><input type="checkbox"/> MICROBREWERY <input type="checkbox"/> WINERY <input type="checkbox"/> DISTILLERY SATELLITE <input type="checkbox"/> WINERY SATELLITE <input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT</p>	<p>To Assist the Liquor Division with scheduling inspections:</p> <p>WHEN DO YOU OPERATE?</p> <p><input type="checkbox"/> NON-OPERATIONAL/PARKED <input type="checkbox"/> FULL TIME (e.g. Jan through Dec) <input type="checkbox"/> SEASONAL/PART-TIME <small>(specify months of operation)</small> from _____ to _____</p> <p>DAYS OF WEEK (e.g. Mon through Sat) _____</p> <p>HOURS OF OPERATION (e.g. 10a - 2a) _____</p>
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1. DISPENSING ROOM DESCRIPTION WITH DIMENSIONS:

(a) Give a description with dimensions of the dispensing room and state where it is located within the building (e.g. 10 x 12 room in SE corner of building). Please provide a drawing of the establishment that includes the dispensing room: W.S. 12-4-102(a)(i)

(b) If **Winery** or **Microbrewery**, also list the manufacturing facility.(e.g. MFG: 10' X 12' room in SW portion of bldg.)

MFG: _____

(c) Do you have an additional dispensing room? YES NO If yes, provide description and location: _____

(d) Provide the legal description and the zoning of the site where the applicant will conduct business: _____

2. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)

(1) **OWN** the building in which sales room is located? YES (own)

(2) **LEASE** the building in which sales room is located? YES (lease)

(A) **DATE** lease expires _____ located on page _____ paragraph _____ of lease document.

(B) Provision for **SALE** of alcoholic or malt beverages located on page _____ paragraph _____ of lease.

NOTE: Please submit a copy of the lease with the application. W.S. 12-2-103(a)(iii) requires the lease be valid THROUGH the TERM OF THE LICENSE and MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.

3. Have you already assigned, leased, transferred or do you intend to assign, lease, transfer, contract or in any other manner agree with any person or firm other than yourself as licensee to operate and assert control or partial control of the license and the licensed room to carry on the licensed liquor business? YES NO
4. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403
- (a) Hold any interest in the license applied for? YES NO
- (b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business? YES NO
- (c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs? YES NO
- (d) If you answered **YES** to any of the above, explain fully and submit any documents in connection therewith: _____
5. Does the applicant have any interest or intent to acquire an interest in any other liquor license issued by this licensing authority? W.S. 12-4-103(b) YES NO
If "YES", explain: _____
6. Is the applicant a mayor, member of a city or town council, or member of the board of county commissioners within the jurisdiction of this licensing authority? W.S. 12-4-103(a)(i) YES NO
7. Is the applicant employed by the State, City or Town, or County as a law enforcement officer, or hold office as a law enforcement officer through election? W.S. 12-4-103(a)(ii) YES NO

RESTAURANT OR BAR AND GRILL LICENSE:

8. Have you submitted a valid food service permit? W.S. 12-4-407(a)/W.S. 12-4-413(a) YES NO

RESORT LICENSE:

9. Does the resort complex:
- (a) Have an actual valuation of at least one million dollars, or have you committed or expended at least one million dollars (\$1,000,000.00) on the complex, excluding the value of the land? W.S. 12-4-401(b)(i) YES NO
- (b) Include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii) YES NO
- (c) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with at least one hundred (100) sleeping rooms? W.S. 12-4-401(b)(iii) YES NO
- (d) If no on question (c), have a ski resort facility open to the general public in which you have committed or expended at least one million dollars (\$1,000,000.00)? W.S. 12-4-401(b)(iv) YES NO

MICROBREWERY LICENSE:

10. Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii) YES NO
- (a) If "YES", please specify type: RETAIL RESTAURANT RESORT
 BAR AND GRILL MICROBREWERY WINERY
11. (a) Do you self distribute your products? W.S. 12-2-201(a) YES NO
(Requires additional licensing with the Liquor Division)
- (b) Do you distribute your products through an existing malt beverage wholesaler? W.S. 12-2-201(g)(i) (Requires additional licensing with the Liquor Division) YES NO

WINERY LICENSE:

12. Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii) YES NO
- (a) If "YES", please specify type: RETAIL RESTAURANT RESORT
 BAR AND GRILL MICROBREWERY WINERY

LIMITED RETAIL (CLUB) LICENSE:

13. **FRATERNAL CLUBS** W.S. 12-1-101(a)(iii)(B)
- (a) Has the fraternal organization been actively operating in at least thirty-six (36) states? YES NO
- (b) Has the fraternal organization been actively in existence for at least twenty (20) years? YES NO

LIMITED RETAIL (CLUB) LICENSE:

14. **VETERANS CLUBS** W.S. 12-1-101(a)(iii)(A):
- (a) Does the Veteran's organization hold a charter by the Congress of the United States? YES NO
- (b) Is the membership of the Veteran's organization comprised only of Veterans and its duly organized auxiliary? YES NO

LIMITED RETAIL (CLUB) LICENSE:

15. SOCIAL CLUBS W.S. 12-1-101(a)(iii)(E):

- (a) Do you have more than one hundred (100) bona fide members who are residents of the county in which the club is located? YES NO
- (b) Is the club incorporated and operating solely as a nonprofit organization under the laws of this state? YES NO
- (c) Is the club qualified as a tax exempt organization under the Internal Revenue Service? YES NO
- (d) Has the club been in continuous operation for a period of not less than one (1) year? YES NO
- (e) Has the club received twenty-five dollars (\$25.00) from each bona fide member as recorded by the secretary of the club and are club members at the time of this application in good standing by having paid at least one (1) full year in dues? YES NO
- (f) Does the club hold quarterly meetings and have an actively engaged membership carrying out the objectives of the club? YES NO
- (g) Have you filed a true copy of your bylaws with the local licensing authority and the Wyoming Liquor Division? YES NO
- (h) Has at least fifty one percent (51%) of the membership signed a petition indicating a desire to secure a Limited Retail Liquor License?
(THE PETITION MUST BE ATTACHED TO APPLICATION) YES NO
- (i) Have you filed with the licensing authority and the Wyoming Liquor Division a detailed statement of your activities during the preceding year which were undertaken or furthered in pursuit of the objectives of the club, along with an itemized statement expended for such activities? YES NO

LIMITED RETAIL (CLUB) LICENSE:

16. GOLF CLUBS W.S. 12-1-101(a)(iii)(D):

- (a) Do you have more than fifty (50) bona fide members? YES NO
- (b) Do you own, maintain, or operate a bona fide golf course together with clubhouse? YES NO

17. (a) If applicant is filing as an Individual or Partnership: W. S. 12-4-102 (a) (ii) & (iii)
Each individual or partner must complete this section.

If the applicant is filing as a Club:
Each officer must complete this section.

True and Correct Name	Date of Birth	<i>DONOT LIST PO BOXES</i> Residence Address No. & Street City, State & Zip	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

(b) If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership: W.S. 12-4-102 (a) (iv) & (v)

Each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, **and** every officer, **and** every director must complete this section.

True and Correct Name	Date of Birth	<i>DONOT LIST PO BOXES</i> Residence Address No. & Street City, State & Zip	Residence Phone Number	No. of Years in Corp or LLC	% of Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

OATH OR VERIFICATION

(Requires signatures by **ALL** Individuals, **ALL** Partners, **ONE (1)** LLC Member, or **TWO (2)** Corporate Officers or Directors except that if all the stock of the corporation is owned by **ONE (1)** individual then that individual may sign and verify the application upon his oath, or **TWO (2)** Club Officers.) W.S. 12-4-102(b)

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

STATE OF WYOMING)

SS.

COUNTY OF _____)

Before Me, _____, (specify)
(Printed name of Notary or other officer authorized to administer oaths)

a Notary Public, Officer authorized to administer oaths in and for
_____ County, State of Wyoming, personally appeared

_____ name he/she being first duly sworn
(Insert Names)

by me upon his oath, says that the facts alleged in the foregoing instrument are true.

(Seal)

- 1. _____
- 2. _____
- 3. _____
- 4. _____

My Commission expires: _____

Witness my hand and official seal:

(Notary Public or other officer authorized to administer oaths)

Title _____

Dated: _____

REQUIRED ATTACHMENTS:

- A statement indicating the financial condition and financial stability of the applicant W.S. 12-4-102 (a) (vi).
- Include a drawing of the dispensing room W.S. 12-5-201 (a).
- Attach any lease agreements W.S. 12-4-103 (a) (iii).
- Include a copy of the CURRENT food service permit for Restaurant or Bar & Grill Liquor License applicants W.S. 12-4-407 (a) or 12-4-413 (a).
- If transferring a license from one ownership to another, a form of assignment from the current licensee to the new applicant authorizing the transfer W.S. 12-4-601 (b).

ADVERTISING REQUIREMENTS W.S. 12-4-104(a):

When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and public the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal, or transfer of the license or permit will be heard at a designated meeting of the licensing authority.

FOR LIQUOR DIVISION USE ONLY		
Reviewer	Initials	Date
Agent:		
Chief:		
Acct.:		

TYPES OF LIQUOR LICENSES AND PERMITS

Licenses / Permits Issued by: LOCAL LICENSING AUTHORITIES

(City, Town, and County)

Annual Licenses and Permits:

RETAIL LICENSE:

Fee Range: \$300-\$1,500.

Allows sale of alcoholic liquor and malt beverages for consumption on premise, off premise, or both. Licenses available are based upon a population formula. **W.S. 12-4-201**

RESTAURANT LICENSE:

Fee Range: \$500-\$3,000.

Allows service bar dispensing of alcoholic liquor and malt beverages to patrons seated in dining areas of full service restaurants. Alcohol sales cannot exceed 40% of gross sales. No consumption can take place in the licensed room. **W.S. 12-4-407**

BAR & GRILL LICENSE:

Fee Range: \$1,500-\$10,500.

Allows sales of alcoholic liquor and malt beverages for on premise consumption. Establishment must have a full service restaurant to qualify. Same restrictions as the restaurant license but allows a bar/lounge. **W.S. 12-4-413**

RESORT LICENSE:

Fee Range: \$500-\$3,000.

Allows sales of alcoholic liquor and malt beverages for on premise consumption within the contiguous boundaries of a resort. Resort must have an actual building value of \$1 million, at least a 100 seat convention facility and a minimum of 100 hotel rooms. **W.S. 12-4-401**

LIMITED (CLUB) LICENSE:

Fee Range: \$100-\$1,500.

Allows clubs such as veterans, fraternal organizations, golf or social clubs to sell alcoholic liquor and malt beverages for on premise consumption to members and their accompanied guests. **W.S. 12-4-301**

COUNTY RETAIL MALT BEVERAGE PERMIT:

Fee Range: \$100-\$1,500.

Allows sales of malt beverages for on or off premise consumption. Permits are issued for locations 5 miles beyond the limits of an incorporated city or town. **W.S. 12-4-201(b)**

MALT BEVERAGE PERMIT - UNIVERSITY OF WYOMING:

Fee: \$100.

Allows the UW board of trustees to receive a permit to sell malt beverages. Only malt beverages drawn from kegs are allowed. Sales must take place at the student union on the UW campus. **W.S. 12-4-501**

SPECIAL MALT BEVERAGE PERMIT:

Fee: \$1,500.

Allows any responsible person or organization to sell malt beverages at public auditoriums, civic centers or events centers. **W.S. 12-4-504**

MALT BEVERAGE PERMIT - STATE FAIR:

Fee: \$100.

Allows the director of the department of agriculture to receive a permit to sell malt beverages on state fairgrounds during the state fair. **W.S. 12-4-505**

MICROBREWERY PERMIT*:

Fee Range: \$300-\$500.

Allows brewing of malt beverages for sale on and off premise. Off premise sales are not to exceed 2,000 oz. per sale (15 gallons). On premise sale of other malt beverages may be authorized. Marketing product to wholesalers requires State authorization. **W.S. 12-4-412(a)(i)**

WINERY PERMIT*:

Fee Range: \$300-\$500.

Allows fermenting of juices into wines for sale on and off premise. Off premise sales are limited to 2,028 oz. per sale (15 gallons). On premise sale of other wines may be authorized. **W.S. 12-4-412(a)(ii)**

SATELLITE WINERY PERMIT:

Fee: Not to exceed \$100.

Allows Winery Permit holder to sell its manufactured wine at up to three satellite locations within Wyoming. **W.S.12-4-412(d)**

*(Microbrewery and Winery Permits may be combined or held with Retail, Restaurant or Resort Licenses.)

SATELLITE MANUFACTURER'S PERMIT:

Fee: Not to exceed \$100.

Allows Manufacturer Permit holder to sell its manufactured wine at one (1) satellite location within Wyoming separate from the manufacturing facility. **W.S.12-2-203(g)**

24 Hour Permits:**CATERING PERMIT:**

Fee Range: \$10-\$100.

Allows a RETAIL & RESORT licensee to sell alcoholic liquor and malt beverages for on premise consumption at another location. Issuance is limited to no more than 24 times per calendar year in any one location. **W.S. 12-4-502(b)**

24 HOUR MALT BEVERAGE PERMIT:

Fee Range: \$10-\$100.

Allows a responsible individual or organization to sell malt beverages at a picnic, fair, rodeo, special holiday or similar public gathering. Issuance is limited to no more than 12 times per calendar year per individual or organization at any one location. **W.S. 12-4-502(a)**

ADDITIONAL DISPENSING ROOM (24 hour period only): Fee Range: \$10-\$100. Allows licensees to sell alcoholic or malt beverages in one (1) additional dispensing room in the same building designated by the original license. Limited to no more than 6 times per licensee per any 1 year period. **W.S. 12-5-201(c)**

Title 6 Liquor Licenses and Permits

Chapters:

- 6.10 DEFINITIONS**
- 6.20 APPLICATION FOR LICENSES AND PERMITS**
- 6.30 ANNUAL LICENSES AND PERMITS**
- 6.40 RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS**
- 6.50 SPECIAL TWENTY-FOUR (24) HOUR PERMITS**
- 6.60 SUSPENSION AND REVOCATION OF LICENSES AND PERMITS**
- 6.70 VIOLATIONS**
- 6.90 PENALTY FOR VIOLATIONS**

Chapter 6.10 DEFINITIONS

Sections:

6.10.010 Definitions.

6.10.010 Definitions.

In the interpretation of this chapter, unless the context indicates a different meaning:

- A. "Alcoholic beverage permit" means the authority under which the sale of alcoholic beverages is authorized as to hospitals, religious organizations, physicians, and dentists.
- B. "Alcoholic liquor" means any spirituous and/or fermented fluid intended for volume, including alcohol, brandy, whiskey, rum, gin, and wine, liquids and volume, including alcohol, brandy, whiskey, rum, gin, and wine, liquids and compounds.
- C. "Club" means a fraternal organization, not including college fraternities, labor unions, or associations organized for commercial purposes or profit, which is a member of, and holds a charter from, a national organization, and which owns or leases a building or space in a building for the use and accommodation of its members and guests.
- D. "Drugstore" means a suitable space in a building kept, used, maintained, advertised, and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.
- E. "Hotel" means a suitable building kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for pay to transient guests. Such sleeping accommodations shall be in the same building and such sleeping accommodations shall be so equipped and serviced that the town council shall be satisfied that the chief source of revenue to be derived from the operation of the hotel shall be from sleeping accommodations and not from the sale of alcoholic or malt beverages. No cottage, tourist camp, or rooming house shall be considered a hotel.
- F. "Intoxicating liquor," "alcoholic liquor," "alcoholic beverage," and "spirituous liquor" shall be construed as synonymous in meaning and definition.
- G. "Limited retail liquor license" means the authority under which clubs as defined in this section shall be permitted to sell alcoholic and/or malt beverages.
- H. "Malt beverage" means any fluid of any name or description manufactured from malt, wholly or in part, or from any substitute therefore, containing more than one percent of alcohol by volume.
- I. "Malt beverage permit" means the authority under which the sale of malt beverages is authorized for specifically limited periods or as hereinafter otherwise provided.
- J. "Original package" means any bottle, flask, jug, cask, barrel, hogshead, or other receptacle or container used, cork or cap, sealed or labeled by the manufacturer of alcoholic beverages, containing any alcoholic beverage.
- K. "Person" includes an individual person, partnership, corporation, limited liability company or any other or association or entity, public or private.

- L. "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-premises 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. "Full service restaurant" means a restaurant at which waiters and 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.
 - M. "Retailer" means a person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.
 - N. "Retail liquor license" means the authority under which a retailer shall be permitted to sell alcoholic and/or malt beverages for use or consumption but not for resale.
 - O. "Sell" or "sale" includes offering for sale, trafficking in, bartering, delivering for value, exchange for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic and/or malt beverage made otherwise and by gift shall constitute a sale.
- (Ord. 998 § 1, 2011; Ord. 853 § 3, 2007; Ord. 389 § 1, 1989; Ord. 90 § 1, 1965.)

Chapter 6.20
APPLICATION FOR LICENSES AND PERMITS

Sections:

6.20.010 Affidavit and Authorization.

6.20.015 Affidavit of Understanding.

6.20.020 Notice publication--Protests.

6.30.030 Term - Exception.

6.20.010 Affidavit and Authorization.

All persons filing applications for new licenses and permits, renewals or for transfer of ownership, unless otherwise noted in this title, shall submit a signed affidavit and authorization form as provided by the town clerk, which includes the applicant's name, signature, address, and date of birth to assist with application processing by the town clerk and chief of police. All persons filing applications shall agree to a background check, including criminal information, conducted by the chief of police or his designee. Procedures for reviewing applications will be established by the town clerk, chief of police and risk manager. (Ord. 853 § 4, 2007.)

6.20.015 Affidavit of Understanding

All persons filing applications for new licenses and permits, renewals or for transfer of ownership, unless otherwise noted in this title, shall submit a signed and notarized affidavit of understanding form as provided by the Town Clerk, which includes the applicant's name and signature, to assist with application processing by the Town Clerk. The affidavit shall state that the applicant understands that it shall be the duty of the applicant to seek any additional required reviews, authorizations, permits, and approvals from any Town/County department or elected bodies. Procedures for reviewing applications will be established by the Town Clerk. (Ord. 969 § 1, 2010)

6.20.020 Notice publication--Protests.

When an application has been filed in the office of the town clerk, it shall be the duty of such clerk to promptly publish, post on the official website of the town and display conspicuously on the premises in which the applicant desires to use as the place of sale a notice pursuant to Section 12-4-104 of the Wyoming State Statutes which may be amended from time to time that such applicant has made application for a license and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be at a special or a regular meeting of the town council, and all such licenses shall be issued in accordance with the requirements of the statutes of the state of Wyoming, and all such licenses, when issued, shall be made and executed in accordance with the laws of the state. (Ord.1076 § 1, 2014; Ord. 853 § 4, 2007; Ord. 90 § 5, 1965.)

6.20.030 Term - Exception.

A license or permit shall be a personal privilege, good for one (1) year unless sooner revoked or a twenty-four (24) hour permit.

A. Exception. When a valid license or permit is determined to be part of the estate of a deceased licensee, the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic and/or malt beverages under a license, may exercise the privilege of the deceased under such license or licenses or permit until the expiration of the same; and provided further, that upon approval of the town council, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of the date of the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale to be made in good faith, may, if proceedings are not pending to suspend, revoke, or otherwise penalize under this title or the provisions of the laws of the state of Wyoming, the license holder, assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration of the same, upon the express condition, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license as required by this title and the laws of the state of Wyoming, and all subject to the approval of the town council. (Ord. 853 § 4, 2007; Ord. 90 § 6, 1965.)

Chapter 6.30
ANNUAL LICENSES AND PERMITS

Sections:

6.30.010 Retail or Limited Liquor Licenses.

6.30.020 Resort or Restaurant Liquor Licenses.

6.30.030 Bar & Grill Liquor Licenses.

6.30.040 Micro Brewery Permits, Authorization and Application.

6.30.050 Satellite Winery Permits, Application.

6.30.060 Satellite Manufacturer's Permits, Authorization and Application.

6.30.010 Retail or Limited Liquor Licenses.

Any person desiring a limited or retail liquor license under this title shall apply to the town clerk for the same on forms prepared by the Attorney General of the state of Wyoming, as and in accordance with the statutes of the state of Wyoming, in such case made and provided, and not otherwise. The amount or fee to be paid for such retail liquor license shall be, and is fixed at, the sum of one thousand five hundred (\$1,500.00) per year, and the amount or fee to be paid for limited liquor licenses shall be five hundred (\$500.00) per year, all such fees shall be payable in full in advance, and no such retail or limited liquor license shall issue to the applicant until payment in full has been made. (Ord. 853 § 5, 2007; Ord. 503 § 3, 1995; Ord. 90 § 3, 1965.)

A. Events for persons under 21

Events for minors on the licensed premises of a retail liquor license holder. The holder of a retail liquor license may be issued a permit authorizing the holding of an event at which persons under the age of twenty-one are permitted on the premises if:

1. Application is made with the Town Clerk and a fee of twenty-five (\$25.00) dollars is paid.
2. No alcoholic liquor or malt beverages are sold, served, consumed possessed by any person in the dispensing room during the event.
3. The dispensing room is closed during the event and all alcoholic liquor and malt beverages are removed from the dispensing room in which the event is held and are stored in an area on the licensed premises not accessible to persons in the closed dispensing room during the event or are stored in a manner preventing dispensation during the event. (Ord. 853 § 5, 2007; Ord. 569 § 1, 1996.)

B. Drive-in liquor stores.

1. A drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payments for alcoholic and/or malt beverages under the following conditions and safeguards:

- a. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued; no part of the area used for orders, delivery, and making payment shall be more than forty feet distant from the licensed room;

- b. The area shall be well lighted and subject to inspection by the town council at any and all times;
 - c. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery, and payment;
 - d. No orders shall be received from or delivery made to a minor or intoxicated person in the area;
 - e. No part of a sidewalk, highway, street, or alley shall be used for orders, sales, or deliveries;
 - f. Alcoholic and/or malt beverages shall be sold and delivered in the area only in the original, unopened package, and consumption of alcoholic and/or malt beverages in the drive-in area shall not be permitted.
2. It shall be the duty of the members of the town council and the agents and officers of the Town of Jackson to determine whether traffic conditions or the difficulty of checking sales and delivery or violations of safeguards should require a decision for bidding or restricting sales and delivery in any drive-in area, and if by resolution the right to use such drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee. (Ord. 853 § 5, 2007; Ord. 90 § 10, 1965.)

C. Sales by drugstores.

All sales of alcoholic and/or malt liquor by drugstores holding a retail liquor license under the provisions of this title shall be sold only in the container received by the druggist in the original package and no such container or original package shall be opened upon the premises where the same is sold, or in any room or building in connection with the drugstore, and any such sale shall be made only by a licensed pharmacist or by a clerk over the age of nineteen years. (Ord. 853 § 5, 2007; Ord. 90A § 2, 1973; Ord. 90 § 11, 1965.)

D. Sales by fraternal clubs.

Bona fide fraternal clubs with national organizations shall be licensed under a limited retail liquor license for which they shall pay a license fee of five hundred dollars (\$500.00) annually in advance, which license fee shall be paid to the town treasury. No club holding such a license shall sell alcoholic or malt beverages for consumption anywhere except in the building or space in the building or the premises leased or owned by said club for the use of its members and guests, and it shall be the duty and obligation of said club to so check and regulate sale to members and guests that any and all alcoholic or malt beverages sold by it shall be consumed in such building, space, or premises. (Ord. 853 § 5, 2007; Ord. 504 § 7, 1995; Ord. 90 § 7, 1965.)

6.30.020 Resort or Restaurant Liquor Licenses.

Any person desiring a resort or restaurant liquor license under this title, as such licenses may be available from time to time pursuant to the applicable statutes of the state, shall apply to the town clerk for the same on forms prepared by the Attorney General of the state, as and in accordance with the said statutes of the state in such case made and provided and not otherwise. The amount or fee to be paid for such resort or restaurant license shall be fixed from time to time

by resolution of the town council, provided that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state. All such fees shall be payable in full in advance and no such license shall issue to the applicant until payment in full has been made. The term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on April 1st of each year. All applications for restaurant licenses shall be accompanied by a plan of operations setting forth in detail the areas proposed for service of alcoholic and malt beverages, plans for service of alcoholic and malt beverages and dispensing rooms. The licensed dispensing room for restaurant licenses shall be an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling. Failure to comply with the plan of operations set forth in the application shall be grounds for no renewal of the license by the town council. The provisions of this section shall not apply to validly existing restaurant liquor licenses issued prior to May 1, 1989, unless application for relocation of the dispensing room shall have been made, in which event all of the requirements of this sections shall apply. (Ord. 853 § 5, 2007; Ord. 605 § 1, 1997; Ord. 388 § 1, 1989.)

6.30.030 Bar & Grill Liquor Licenses.

- A. The Town, upon application and after public hearing, may authorize the issuance of a Bar and Grill License to a restaurant pursuant to Section § 12-4-413(a) of Wyoming Statutes as such section may be amended from time to time.
- B. Any person desiring a Bar and Grill Liquor License shall file with the town clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a Bar and Grill License shall be fifteen hundred dollars (\$1,500.00), which amount may be amended from time to time by resolution of the town council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming.
- C. A Bar and Grill Liquor License shall not be sold, transferred or assigned by the holder.
- D. Any Bar and Grill Liquor License issued shall be subject to the terms and conditions of Section § 12-4-413 of Wyoming Statutes and all other applicable state and local statutes and ordinances governing local licenses.
(Ord. 853 § 5, 2007; Ord. 828 § 1, 2006.)

6.30.040 Micro Brewery Permits, Authorization and Application.

Any person desiring a permit for the operation of a micro-brewery defined as a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand barrels per year and not less than one hundred barrels per year in accordance with the requirements of Section § 12-4-412 of Wyoming Statutes shall apply to the town clerk for the same on forms prepared by the attorney general of the state as and in accordance with the applicable statutes of the state of Wyoming in such case made and provided and not otherwise. The amount of the fee to be paid for such micro-brewery permit shall be five hundred dollars (\$500.00) and the said amount may be amended from time to time by resolution of the town council without the necessity of amending the ordinance codified in this section; provided,

however, that in no case shall the sum be less than or greater than the amount authorized by applicable statutes of the state of Wyoming. All such fees shall be payable in full, in advance, and no such license shall issue to the applicant until payment in full has been made. The term of an initial issue license may be prorated and the fee therefore prorated so that the license shall expire on April first of each year.

The permittee shall comply in all particulars with the applicable statutes of the state of Wyoming and the issuance of a permit by the town shall entitle the permittee to:

- (i.) Sell other malt beverages for on-premises consumption only when obtained through licensed wholesale malt beverage distributors;
- (ii.) Sell on-site only, its product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand ounces per sale.

The number of micro-brewery permits available shall be limited in accordance with the provisions of Wyoming Statutes § 12-4-201(d). A micro-brewery permit may be issued to an applicant in addition to and even though such applicant may be the holder of a retail liquor license, a restaurant license or a resort license, as provided by applicable statutes, without payment or assessment of an additional charge over and above that charged for the original retail, restaurant or resort license. (Ord. 853 § 5, 2007; Ord. 456 § 1, 1993.)

6.30.050 Satellite Winery Permits, Application.

A. The Town, upon application and after public hearing, may authorize the issuance of a satellite winery permit to a holder of a winery permit pursuant to Section § 12-4-412(d) of Wyoming Statutes as such section may be amended from time to time. A satellite winery permit allows a permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site.

B. Any person desiring a satellite winery permit shall file with the town clerk and application with the required supporting documentation and payment of the applicable fee. The fee for a satellite winery permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the town council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the state of Wyoming.

C. Any satellite winery permit issued shall be subject to the terms and conditions of Section § 12-4-412 of Wyoming Statutes and all other applicable state and local statutes and ordinances governing local licenses. (Ord. 853 § 5, 2007; Ord. 723 § 1, 2003.)

6.30.060 Satellite Manufacturer's Permits, Authorization and Application.

A. Pursuant to Section 12-2-203(g) of Wyoming State Statutes as such section may be amended from time to time, the Town, upon application and after public hearing, may

- authorize the issuance of a satellite manufacturer's permit to the holder of a Wyoming liquor division manufacturer's license who is a federally licensed distiller or rectifier.
- B. Any person desiring a satellite manufacturer's permit shall file with the town clerk an application with the required supporting documentation and payment of the applicable fee. The fee for a satellite manufacturer's permit shall be one hundred dollars (\$100.00), which amount may be amended from time to time by resolution of the town council without the necessity of amending the ordinance codified in this section; provided, however, that in no case shall the sum be greater than the amount authorized by applicable statutes of the state of Wyoming.
 - C. Any satellite manufacturer's permit issued shall be subject to the terms and conditions of Section 12-2-203 of Wyoming State Statutes and all other applicable state and local statutes and ordinances governing local liquor licenses.

(Ord. 1069 § 1, 2014)

Chapter 6.40
RESTRICTIONS UPON LICENSE AND PERMIT HOLDERS

Sections:

6.40.010 License - Transfer--Renewal.

6.40.020 License - Contents, Signing, Attestation and Display.

6.40.030 Hours of Sale - Unlawful Acts Designated.

6.40.040 Place of Sale - Location, Regulation, and Restrictions.

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

6.40.060 Minor, Habitual and Common Drunkards and Incompetent--Restrictions.

6.40.010 License- Transfer, Renewal.

Upon the expiration of any license, the owner thereof shall have a preference right to a new license or renewal of license if such license may be granted under this title or the laws of the state of Wyoming. Except as above provided in Section 6.20.030 of this title, no license shall be used for any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment, or execution. A license may be transferred or renewed on different premises on the same basis as the original application only after public hearing and with the approval of the Town Council.

There shall be no refund of all or any part of any license fee. The fee for the transfer of a liquor license or permit shall be one hundred dollars (\$100.00). (Ord.960 § 1, 2010; Ord. 853 § 6, 2007; Ord. 90 § 6, 1965.)

6.40.020 License - Contents, Signing, Attestation and Display.

Each license issued by the town shall be signed by the mayor and attested by the clerk. The following shall be shown in each license:

- A. The name of the licensee;
- B. A description of the place in which alcohol and/or malt beverages may be sold;
- C. The date of issuance;
- D. The amount of the fee and that the same has been paid; and each licensee shall display his license in a conspicuous place in the licensed room. (Ord. 853 § 6, 2007; Ord. 90 § 12, 1965.)

6.40.030 Hours of Sale - Unlawful Acts Designated.

A. All persons licensed under this title except clubs holding a limited retail license shall close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two a.m. each day and keep the same closed until six a.m. the same day, provided the town council may meet in January of each year to designate the dates during any city or county fairs, rodeos, pageants, jubilees or similar public gatherings when all licensees may operate without restriction as to closing hours, such unrestricted operation not to exceed a total of four full days in any one calendar year.

B. It is unlawful for any owner, manager or employee of any business licensed under this title, except clubs holding a limited retail license, to allow anyone other than an employee of the

licensed business or organization to be or remain in the licensed room from and after thirty minutes after the time designated by statute or ordinance for closing of the dispensing room and ceasing the sale of both alcoholic and malt liquors; provided, that in cases of food service operations for which an additional dispensing room license has been obtained pursuant to this chapter, the food service facilities may remain open to the public, but it shall be unlawful to allow the consumption of alcoholic beverages therein from and after thirty minutes after the time established by statute or ordinance for the closing of the dispensing room and the ceasing of sale of alcoholic and malt liquors. (Ord. 853 § 6, 2007; Ord. 544 § 1, 1996; Ord. 227 § 1--2, 1977; Ord. 90A § 1, 1973; Ord. 90 § 8, 1965.)

6.40.040 Place of Sale - Location, Regulation, and Restrictions.

The place in which alcoholic and malt beverages are sold under a retail liquor license shall be located in one room on the ground floor of the building where located, and the entrance door of that room shall open upon a main traveled street or highway, except that the licensee thereof may have and maintain one additional dispensing room in the same building, which additional dispensing room shall be operated under the authority of the same license as authorizes the licensee to operate a dispensing room as herein provided for. The additional dispensing room may be on any floor that is connected with a dining room that regularly serves food to the public. Provided, however, that such licensee shall pay an additional fee of one thousand dollars (\$1,000.00) for authority to operate such additional dispensing room. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located. Only alcoholic and malt beverages, nonalcoholic beverages, and food and tobacco may be sold and served in the licensed room. No gambling shall be permitted in a licensed room. The town council which issued the license shall as often as may be deemed necessary inspect the licensed room and adjoining rooms where alcoholic beverages are served to determine whether or not requirements as to sanitation and fire hazards are being complied with. The retail licensee may separate the facility for the sale of alcoholic and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption. In such case the facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition; provided, however, that they shall be connected by a doorway to permit persons to pass freely between the two facilities. No additional fee shall be assessed against a licensee who separates licensed premises in this manner. (Ord. 853 § 6, 2007; Ord. 90 § 9, 1965; Ord 516 § 1, 1995.)

6.40.050 Places for Consumption or Possession in Open Containers Prohibited.

No alcoholic or malt beverage shall be consumed or carried by any person in open containers of any type on any street, sidewalk or curb or any other public property whatsoever within the town, except Miller Park, North Park, Snow King Baseball Park, the rodeo grounds or other dedicated parks of the town; provided however, that no alcoholic or malt beverages shall be consumed or carried by any person in open containers of any type within:

- A. The grandstands, or adjacent to or on any baseball field during any game sanctioned by Little League Baseball, Incorporated; or

- B. The Town Square which is bounded by East Broadway Street, North Cache Street, East Deloney Street and North Center Street. (Ord. 853 § 6, 2007; Ord. 172 § 1, 1974.)

6.40.060 Minor, Habitual and Common Drunkards and Incompetents - Restrictions.

A. It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the state of Wyoming, or the servant or employee of such holder to sell, furnish, give or deliver or cause to be sold, furnished, given or delivered alcoholic or malt beverages to any habitual or common drunkard or to any disorderly or obviously intoxicated person; or for any person, firm or corporation or its agents, to sell alcoholic or malt beverages to any habitual or common drunkard or any incompetent person. In the case of habitual or common drunkards the licensee must be notified in writing, by the Chief of Police or his/her designee of such habitual or common drunkenness. For purposes of this section, "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially impaired and the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction that would have been obvious to a reasonable person. (Ord. 1072 § 1, 2014)

B. It is unlawful for any holder of a license or permit issued under the provisions of this title or the statutes of the state of Wyoming, or his or its servants, agents or employees to permit any person under the age of twenty-one years to enter or remain in the place, except:

1. Minors may be allowed in the dispensing room with the approval of the Town Council, in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room; and/or

2. In drugstores, in which intoxicating or malt liquors are sold or dispensed; and/or

3. Accompanied by his parent or guardian who is at least twenty one (21) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption.

(Ord. 1072 § 1, 2014; Ord. 987 § 1, 2011; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

C. It is unlawful for any person to sell, furnish, give or cause to be sold, furnished or given any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient, or member of his own immediate family, unless otherwise excepted under W.S. 12-6-101(d) or (e), as amended.

(Ord. 1072 § 1, 2014; Ord. 987 § 1, 2011; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

D. Under Section 9.64.020 of the Jackson Municipal Code it is unlawful for any person under the age of twenty-one years to have any alcoholic or malt beverage in his possession or to be under the influence of any intoxicating liquor or malt beverage within the Town of Jackson, unless an exemption stated under Wyoming State Statute 12-6-101 is applicable, which includes possession by a person under the age of twenty-one years making the delivery of such alcoholic beverage pursuant to his employment.

(Ord. 1063 § 1, 2014; Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

E. It is unlawful for any person under the age of twenty-one years to be and/or remain in any place where intoxicating or malt liquors are sold or dispensed, or for any person to falsify any identification or use any false identification in order to be or remain in such place of business or to obtain intoxicating liquor or malt beverages. (Ord. 853 § 6, 2007; Ord. 577 § 1, 1997; Ord. 375 § 1, 1988; Ord. 90A § 3, 1973; Ord. 90 § 13, 1965.)

Chapter 6.50
SPECIAL TWENTY-FOUR (24) HOUR PERMITS

Sections:

6.50.010 Catering Permits.

6.50.020 Malt Beverage Permits.

6.50.010 Catering Permits.

- A. A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the Town to any person or organization holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable, or desirable to be held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.

- B. The permits authorized by this section shall be issued for one (1) twenty four (24) hour period, subject to the schedule of operating hours provided in Chapter 6.55 of this Code. No person or organization shall receive more than a total of thirty-six (36) catering permits for sales at the same premises in any one (1) year.
(Ord. 1118, §1, 2016; Ord. 853 §7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)

- C. The catering permit shall be issued on application to the Town without public notice or hearing. An application for a catering permit shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located outside of the Town shall secure the written approval of the licensing authority of Teton County or other applicable jurisdiction, prior to filing an application for a permit.

- D. The fee for the catering permit shall be twenty dollars (\$20.00).
(Ord. 853 § 7, 2007; Ord. 823 §1, 2006; Ord. 714 § 1, 2002)

6.50.020 Malt Beverage Permits.

A. A malt beverage permit may be issued to any responsible person or organization for the sale of malt beverages only at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverages be sold or consumed off the premises authorized by the permit.

B. The permits authorized by this section shall be issued for one (1) twenty four (24) hour period, subject to the schedule of operating hours provided in Section 6.40.030 of this Code. No person or organization shall receive more than a total of twelve (12) malt beverage

permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises. (Ord. 969 § 2, 2010, Ord. 853 § 7, 2007; Ord. 697 § 1, 2002; Ord. 90 § 4, 1965.)

C. The permit shall be issued without notice on application to the town council on forms prepared by the Town of Jackson and the fee for such permit, to be paid in advance, shall be, and is fixed at, the sum of one hundred dollars (\$100.00) per day. (Ord. 853 § 7, 2007; Ord. 697 § 1, 2002; Ord. 90 § 4, 1965.)

Chapter 6.60

SUSPENSION AND REVOCATION OF LICENSES AND PERMITS

Sections:

6.60.010 Grounds for Denying Renewal of License or Permit.

6.60.020 Grounds for Suspension or Revocation.

6.60.010 Grounds for Denying Renewal of License or Permit.

- A. A license or permit shall not be renewed or transferred if the governing body finds from evidence presented at the hearing required under Wyoming Statutes § 12-4-104, as amended, any of the conditions found under Wyoming Statutes § 12-4-104(b) or violations of subsection C of this section.
- B. The holder of an expired annual license, or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyoming Statutes § 12-4-104(c), as amended. No other preference rights are authorized or recognized by the Town. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.
- C. The following actions, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:
 - 1. Failure of the license holder to comply with any provisions of this chapter;
 - 2. Three (3) or more convictions by the license holder and its employees in any calendar year for sale of alcohol to underage persons;
 - 3. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;
 - 4. A pattern (ie. three (3) or more in one (1) calendar year) of failing to report incidents of assault and battery, disorderly conduct, sexual assault, discharge of firearms, or any other illegal act upon the premises which results in injury to persons or property, and which the license holder knew or should have known about;
 - 5. Conviction of any nonprocedural violation of state or local liquor laws.

(Ord. 853 § 8, 2007.)

6.60.020 Grounds for Suspension or Revocation.

- A. Wyo. Stat. § 12-7-103 authorizes the Town to suspend a liquor license or permit if the licensee has not paid sales taxes. The determination that a licensee has not paid sales taxes will be determined by the State Liquor Division, with the Wyoming Department of Revenue.
- B. After receiving a certified order from the Liquor Division that a licensee or permittee owes sales taxes to the state, the city clerk will notify the licensee or permittee by certified mail if the city intends to hold a hearing on whether the license or permit should be suspended.

- C. The suspension hearing will be conducted under the Wyoming Administrative Procedures Act (Wyo. Stat. § 16-6-101, et seq.) and rules adopted by the Town. The Liquor Division's order of delinquency and all evidence presented at the Liquor Division's hearing will be admitted and considered prima facie evidence of licensee's or permittee's tax delinquency.
- D. In the event a license or permit is suspended in accordance with this section, the holder of the license or permit may appeal the suspension in accordance with the provisions of Wyo. Stat. § 12-7-103, as amended.
- E. The suspension of the license or permit shall remain in effect until either the governing body lifts the suspension, a court of competent jurisdiction lifts the suspension, or the clerk receives certified notice from the state that the sales tax liability has been satisfied.
- F. In the event a suspension occurs, the town clerk shall send by certified mail one copy of each of the suspension notices to the last known address of the license or permit holder and to the Director of the Wyoming Liquor Division of the State of Wyoming. Additionally, the town clerk shall post one (1) copy of the suspension notice on the licensed or permitted premises. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful. Further, the licenses or permittee shall either remove all of the alcoholic liquor and malt beverages from the licensed premises or secure the alcoholic liquor and malt beverages in a manner approved in writing by the chief of police or his designee.
- G. When a liquor license holder has acted in violation of this chapter, the Town may take action pursuant to Wyoming Statute § 12-7-201, as amended, seeking revocation of the license or permit. Any revocation procedures of a license or permit will be in accordance with Wyo. Stat. § 12-7-101 through § 12-7-201. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of Chapter 6.70 of this title.
- H. In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct may be cause for the initiation of suspension and/or revocation procedures.
- I. It is unlawful for any person to knowingly submit false information or false facts as true, on an application for any license or permit authorized by this chapter. Each application submitted shall be affirmed as being true and correct to the best of the applicant's knowledge.
 - 1. If, in the opinion of the town attorney, a licensee or permittee has violated subsection (A) above, the town attorney may request the governing body

to take action pursuant to Wyo. Stat. § 12-7-101, § 12-7-102 or § 12-7-201
to suspend or revoke the applicable license or permit.

(Ord. 853 § 8, 2007.)

**Chapter 6.70
VIOLATIONS**

Sections:

6.70.010 Violations.

6.70.010 Violations.

- A. The governing body shall not issue a license or permit to any person or organization violating this title.
- B. Excessive drinking of alcoholic liquor and malt beverages in any place licensed under this title shall not be permitted by the licensee.

(Ord. 853 § 9, 2007.)

Chapter 6.90
PENALTY FOR VIOLATIONS

Sections:

6.90.010 General Penalty for Violations.

6.90.010 General Penalty for Violations

Any person who violates any provisions of this title for which violation no specific penalty is provided is guilty of a misdemeanor and upon conviction thereof shall be punished according to Section 1.12.010 of this code. (Ord. 853 § 10, 2007; Ord. 90 § 14, 1965.)

MEMORANDUM

TO: ALL RESTAURANT LIQUOR LICENSEES

FROM: Mayor and Town Council, Town of Jackson

DATE: FEBRUARY 21, 2006

RE: RESTAURANT MENU AND SERVICE WITH ALCOHOL

Several applicants for either a restaurant liquor license or package retail liquor license have sought clarification regarding the operation of restaurant liquor license holders with respect to the hours of operation, menu and statutory requirements with respect to food service.

Wyoming law requires that all restaurant liquor license holders must have gross receipts of at least 60% from food sales and no more than 40% from liquor sales. This calculation is made annually. That is, each night of operation does not require the 60/40 split, but the annual gross receipts must reflect the appropriate split.

All alcoholic and malt beverages must be dispensed in a separate dispensing room separated from the dining area. No employees under 21 may be permitted in the dispensing room.

All sales of alcoholic beverages must cease at the time food services cease. However, liquor sales may continue so long as the restaurant is operating as a “full service restaurant.” The definition of “full service restaurant” requires that more than just burgers, fry orders and salads are served. Additionally, a full service restaurant must have waiters delivering food and drink to patrons at tables or booths. The restaurant’s menu may change throughout the day and still be a “full service restaurant.” Thus, a restaurant may offer a different menu after dinner hours which is not as complete as the dinner menu, but offers more than burgers, fry orders and salads. The restaurant may stay open until bar time and continue to serve alcohol, so long as a menu is offered with servers.

Finally, the restaurant may sell one unsealed (open) bottle of wine for off-premises consumption so long as that patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the premises.

Please do not hesitate to contact the Town with any further questions or concerns regarding your rights and responsibilities associated with your restaurant liquor license.

Town of Jackson WYOMING

MEMORANDUM

TO: All Restaurant Liquor License Holders
FROM: Mayor and Town Council
RE: Promotion as a Bar
DATE: February 19, 1993

A number of issues have arisen in the recent past concerning the operations of certain restaurant license holders and proposed operations of applicants for new restaurant liquor licenses. In order to clarify the position of the Town of Jackson with regard to appropriate and inappropriate activities for restaurant license holders, we have, in consultation with legal counsel, determined some specific rules for the purpose of implementing the general guidelines found in applicable statutes.

Section 12-4-410(d) Wyoming Statutes (1977 as amended) provides that, "No restaurant liquor licensee shall promote the restaurant as a bar and lounge, nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings." The Town of Jackson has determined that the following activities will constitute promotion of a restaurant as a bar in violation of the statute:

1. Advertising in any form that the premises is a bar or saloon, specifically including advertising in bar or saloon sections of any advertising publication, such as, but not limited to, "yellow pages" listings.
2. The creation, advertising or display of a separate name for any room or business to denote the availability of alcoholic or malt beverages.



3. Advertisement of special prices or promotions for sale of alcoholic beverages, which specially priced beverages or drinks may be purchased separate from meals.
4. Sale of alcoholic or malt beverages to patrons seated at bars or counters, unless that patron is also offered a meal or other food menu item.
5. Collection of a "cover charge" to cover the cost of any entertainment, live or television, unless such cover charge is part of and not separated from a package price which includes payment for a restaurant meal.

Section 12-4-410(c) Wyoming Statutes (1977 as amended) provides as follows, "All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease..." and goes on to provide that if food sales and services continue, liquor sales may continue until normal bar closing times. The definition of a restaurant as set forth in Section 12-1-101(a) (xiv), requires waiters and waitresses delivering food and drink offered from a printed food menu to patrons at tables or booths and further states, "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." In combining these two statutes, the Town of Jackson has determined that limited menu service where the limited menu includes only such things as fry orders, sandwiches, hamburgers, salads and other types of "non-full meal" foods does not satisfy the requirements of a full service restaurant and during the time that only such foods are available due to a limited menu, liquor sales shall cease. In other words, liquor sales may be made only at such times as food from a restaurant menu meeting the requirements of the definition of "restaurant" is available to patrons.

It is the position of the Town of Jackson, as confirmed by the Mayor and Town Council, that all restaurants meeting the statutory definition should be free to sell alcoholic beverages within the confines of the statutes and it is not the intent of the Town of Jackson to restrict the operations of restaurant licensees beyond those restrictions intended by the legislature of the State of Wyoming. It is the understanding of the Town of Jackson that the legislature of the State of Wyoming in making available restaurant liquor licenses intended to make it possible for patrons of full service restaurants to purchase alcoholic

Restaurant Liquor License Holders
February 19, 1993
Page Three

beverages for consumption with their meals. It was not the intention of the legislature of the State of Wyoming, or the Town of Jackson in issuing restaurant licences, to make additional "bars" or places of entertainment where alcoholic beverages may be consumed available to the business community or the public and the statutes of the State of Wyoming will be interpreted accordingly.

Violations of these specific proscriptions based upon the above-noted interpretation of the statutes, may result in suspension of licenses or in a determination that a given license, which has been the subject of multiple violations, should not be reissued.

We wish you well and the greatest of success in your businesses and hope that you will continue to make the visitors' and citizens' experience in Jackson Hole restaurants a pleasant one in the hopes that those residents and visitors will return again and again.



**Department of Revenue
Liquor Division**

6601 Campstool Road
Cheyenne, WY 82002

www.eliquor.wyoming.gov

Dan Noble, Department of Revenue Director

Greg Cook, Liquor Division Administrator

Liquor Division Regulatory Section

Tom Montoya, Chief Agent 307-777-6453

Kelly Hunt, Sr. Compliance Agent 307-777-6449

Jason Allen, Agent 307-777-6255

The regulatory personnel at the division will be the licensing authority's primary contact for any liquor law questions.

TITLE 12
ALCOHOLIC BEVERAGES

CHAPTER 1
GENERAL PROVISIONS

12-1-101. Definitions.

(a) As used in this title:

(i) "Alcoholic liquor" means any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains at least one-half of one percent (.5%) of alcohol by volume. As used in this paragraph, "beverage" does not include liquid filled candies containing less than six and one-quarter percent (6.25%) of alcohol by volume;

(ii) "Building" means a roofed and walled structure built or set in place for permanent use;

(iii) "Club" means any of the following organizations:

(A) A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;

(B) A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subparagraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

(C) A hall or building association of a local unit specified in subparagraphs (A) and (B) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

(D) A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;

(E) A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one (1) year. The club shall have had during this one (1) year period a bona fide membership paying dues of at least twenty-five dollars (\$25.00) per year as recorded by the

secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to W.S. 12-4-301, shall be in good standing by having paid at least one (1) full year in dues;

(F) Club does not mean college fraternities or labor unions;

(G) A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse.

(iv) "Division" means the Wyoming liquor division within the department of revenue created under W.S. 12-2-106;

(v) Repealed by Laws 1985, ch. 92, § 3;

(vi) "Industry representative" means and includes all wholesalers, manufacturers, rectifiers, distillers and breweries dealing in alcoholic liquor or malt beverage, and proscriptions upon their conduct shall include conduct by a subsidiary, affiliate, officer, director, employee, agent, broker or any firm member of such entity;

(vii) "Intoxicating liquor", "alcoholic liquor", "alcoholic beverage" and "spirituous liquor" are construed as synonymous in meaning and definition;

(viii) "Licensee" means a person holding a:

- (A) Retail liquor license;
- (B) Limited retail liquor license;
- (C) Resort liquor license;
- (D) County retail malt beverage permit;
- (E) Malt beverage permit;
- (F) Restaurant liquor license;
- (G) Catering permit; or
- (H) Bar and grill liquor license.

(ix) "Licensing authority" means the governing body of an incorporated city, town or county in Wyoming with the responsibility

to issue, control and administer a particular license, or the division;

(x) "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent (.5%) of alcohol by volume;

(xi) "Original package" means any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages;

(xii) "Person" includes an individual person, partnership, corporation, limited liability company or any other association or entity, public or private;

(xiii) "Resident" means a domiciled resident and citizen of Wyoming for a period of not less than one (1) year who has not claimed residency elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this title;

(xiv) "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. "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;

(xv) "Room" means an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling;

(xvi) "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;

(xvii) "Wholesaler" means any person except the division, who sells any alcoholic or malt beverage to a retailer for resale;

(xviii) "Brewery" means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year of malt beverage;

(xix) "Microbrewery" means a commercial enterprise at a single location producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage;

(xx) "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming;

(xxi) "Operational" means offering for sale to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title for not less than three (3) consecutive months during any calendar year;

(xxii) "Department" means the Wyoming department of revenue;

(xxiii) "Guest ranch" means a vacation resort offering accommodations for overnight stays and activities typical of western ranching;

(xxiv) "This title" means W.S. 12-1-101 through 12-10-102;

(xxv) "Out-of-state shipper" means any licensee outside this state who accepts orders for manufactured wine placed from this state and who ships, packages for shipment or facilitates in any way shipment of the wine by a third party or common carrier to any person, household or licensed retailer in this state.

12-1-102. Application of provisions.

(a) The general control and regulatory provisions of this title apply to all licenses and permits authorized under this title, unless otherwise provided.

(b) Nothing in this title prohibits a liquor supplier operating under a governmental permit or tax license from selling his product to the division or delivering products at points not within the state of Wyoming after licenses are secured as required by the division.

CHAPTER 2
WYOMING LIQUOR DIVISION

ARTICLE 1
IN GENERAL

12-2-101. Repealed By Laws 1996, ch. 74, § 3.

12-2-102. Repealed By Laws 1996, ch. 74, § 3.

12-2-103. Repealed By Laws 1996, ch. 74, § 3.

12-2-104. Repealed By Laws 1996, ch. 74, § 3.

12-2-105. Repealed By Laws 1996, ch. 74, § 3.

12-2-106. Wyoming liquor division; created; division administrator; duties.

(a) As part of the reorganization of Wyoming state government, the Wyoming liquor division is created within the department of revenue. The division shall consist of the programs and functions specified under this title.

(b) The administrator of the division shall be appointed by the director of the department of revenue and shall in accordance with W.S. 9-2-1706(c) and (d), serve at the pleasure of and may be removed at any time by the director. Subject to the approval of the director, the administrator shall take final agency action with respect to all matters before the division pursuant to this title.

(c) The division shall administer all programs formerly administered by the Wyoming liquor commission.

ARTICLE 2
LICENSING AUTHORITY

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 division 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 division 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 division 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 division 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 division 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 division 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 division 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 division 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 division:

(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 division shall not grant a license for a brewery and a microbrewery to the same producer.

12-2-202. Sales by railroads and chartered transportation services; limited transportation liquor license; fees; chartered transportation services defined.

(a) The division may authorize sales by railroads and by any charter transportation service. Under the authority of a limited transportation liquor license, railroads and chartered transportation services may sell alcoholic liquor or malt beverages when moved into and through the state in dining cars, club cars, observation cars and pullman cars attached to trains or in the passenger compartment of a chartered transportation vehicle. Upon application, the division may issue a limited transportation liquor license for each scheduled train or chartered transportation vehicle upon which alcoholic liquor or malt beverages are to be sold, subject to the following terms and maximum fees:

(i) A license valid for one (1) twenty-four (24) hour period at a fee of not to exceed one hundred dollars (\$100.00). Any applicant may be issued more than one (1) license under this paragraph during any one (1) calendar year;

(ii) A license valid for one (1) year at a fee not to exceed one thousand dollars (\$1,000.00).

(b) It is unlawful to sell alcoholic liquor or malt beverages on railroad cars or chartered transportation vehicles without a limited transportation liquor license required by this section.

(c) As used in this section, "chartered transportation service" means "contract motor carrier" as defined by W.S. 31-18-101(a)(x)(A).

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(a) The division shall grant a manufacturer's license authorizing the manufacture or rectification of alcoholic liquor or malt beverages or an importer's license authorizing the importation of alcoholic liquor to a qualified resident within this state who submits an application to the division on forms provided by the division and pays an annual license fee of two hundred fifty dollars (\$250.00) for each license. A person may be issued both a manufacturer's license and an importer's license.

(b) The Wyoming liquor division shall grant a class A industry representative license for alcoholic liquor suppliers to a qualified individual domiciled within this state who submits an application to the division on forms provided by the division accompanied by an annual license fee of not to exceed seven hundred fifty dollars (\$750.00). A class A industry representative shall have a written statement from any vendor whose products the applicant proposes to represent. The class A industry representative shall be published in the division's price catalog with the products from any vendor represented by him and shall be authorized to request that the division list or delist products from the vendor represented by him.

(c) The division shall grant a class B industry representative license for alcohol liquor suppliers to a qualified individual domiciled within this state who submits an application to the division on forms provided by the division accompanied by an annual license fee

of not to exceed two hundred fifty dollars (\$250.00). A class B industry representative shall be employed or managed by a class A industry representative. A class B industry representative shall have a written statement from the class A industry representative designating any vendor whose products he is authorized to represent.

(d) The division shall grant a class C temporary special event industry representative license to any individual twenty-one (21) years of age or older who submits an application on a form supplied by the division for a fee of not to exceed fifty dollars (\$50.00) per event.

(e) No class A industry representative shall be employed by a licensee as defined by W.S. 12-1-101(a)(viii).

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

(h) For purposes of subsections (f) and (g) of this section:

(i) "Distiller" includes any person who:

(A) Produces distilled spirits from any source or substance;

(B) Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;

(C) By any process separates alcoholic spirits from any fermented substance; or

(D) Making or keeping mash, wort or wash, has a still in his possession or use.

(ii) "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

12-2-204. Out-of-state shipment of manufactured wine; license; fees; restrictions; conditions.

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of thirty-six (36) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(b) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship to any Wyoming retail establishment which holds a liquor license in this state or any household in this state any manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation.

(c) Before sending any shipment to a household or to a licensed retailer in this state, the out-of-state shipper shall:

(i) File an application with the liquor division of the department of revenue;

(ii) Pay a license fee of fifty dollars (\$50.00) to the liquor division;

(iii) Provide a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile to the liquor division;

(iv) Provide such other information as may be required by the liquor division; and

(v) Obtain from the liquor division an out-of-state shipper's license, after the division conducts such investigation as it deems necessary.

(d) Any out-of-state shippers licensed pursuant to this section shall:

(i) Not ship more than a total of thirty-six (36) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the

out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices;

(ii) Ship manufactured wine only to an individual who is at least twenty-one (21) years of age for such individual's personal use and not for resale. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any person in this state. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any retail establishment which holds a liquor license in this state;

(iii) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

(iv) Ensure that all shipments into this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

(v) Remit a tax of twelve percent (12%) of the retail price for each shipment of manufactured wine to the liquor division. Each out-of-state shipper shall file a monthly report with the liquor division and include a copy of the invoice for each shipment of manufactured wine and remit any tax due. The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made. Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00);

(vi) Maintain records for at least three (3) years as will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request; and

(vii) Be deemed to have consented to the personal jurisdiction of the liquor division or any other state agency and the courts of this state concerning enforcement of this section and any related laws, rules or regulations.

(e) The out-of-state shipper shall annually renew its license with the liquor division by paying a renewal fee of fifty dollars (\$50.00), providing a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile, and further providing other information as may be required.

(f) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor. Each shipment shall constitute a separate offense. Where the person holds an out-of-state shipper's license, license suspension or revocation may be in addition to or in lieu of the foregoing penalties.

ARTICLE 3
POWERS AND DUTIES

12-2-301. Generally.

(a) The division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless otherwise expressly authorized by state law. Any out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

(b) The department shall make rules and regulations as it considers necessary to carry out this title which shall not be inconsistent with applicable laws and regulations of this state or of the United States.

(c) The director of the department shall direct inspections and other investigations as he considers necessary for the enforcement of the law and the rules and regulations of the department.

(d) Repealed By Laws 1996, ch. 74, § 3.

(e) Repealed By Laws 2008, Ch. 44, § 2.

12-2-302. Collection of excise taxes; disposition of revenue and fees.

(a) The division shall collect all excise taxes provided by this title relating to alcoholic and malt beverages for deposit into the general fund.

(b) All other revenue and fees collected by the division shall be deposited into the state treasury to the credit of the enterprise fund except as otherwise provided by law. The legislature shall authorize expenditures as necessary to defray the administrative expenses of the division, including salaries, office expenses and general expenses for the enforcement of their duties and sufficient funds to defray the cost of alcoholic liquor purchases and attendant expenses as provided by W.S. 9-4-205(d).

12-2-303. Purchase and sale of alcoholic liquors; shortages.

(a) The Wyoming liquor division shall purchase and sell alcoholic liquors to qualified licensees within the state including, at the discretion of the division, any retail distributors or permittees operating within any military post or national park located within the boundaries of the state of Wyoming. Except as provided in subsection (c) of this section, sales shall be made at prices sufficient to return the cost of merchandise and all expenses of operation together with a profit, not to exceed seventeen and six-tenths percent (17.6%) above the cost of the merchandise.

(b) In the case of a shortage in the supply of any alcoholic liquor, the division may apportion its available supply among the licensees in an equitable manner.

(c) The Wyoming liquor division may sell an alcoholic liquor at a price less than that provided in subsection (a) of this section if the alcoholic liquor has been designated by the division as overstocked or has been removed from the division's published listing of alcoholic liquors to be kept for sale to licensees. For purposes of this section "overstocked" means the amount of the alcoholic liquor in the division's inventory is greater than would be sold in a twelve (12) month period.

12-2-304. Inspections and examinations; failure to permit entry.

(a) The division, through its employees or agents, may enter and inspect at any time every place of business wherein malt or alcoholic beverages are being sold, stored or kept by any licensee or permittee.

(b) The division, through its employees or agents, may examine the records, books of account and stock of malt and alcoholic beverages of retailers, wholesalers and licensees.

(c) If any licensee refuses to permit the entry of an agent of the division to his place of business or storage place for the purpose of inspection, his license may be revoked as provided by law. Entry for purposes of inspection is authorized only during open business hours unless it is in the presence of the licensee or his duly authorized representative or unless the officer making entry does so under court order or has reasonable grounds to believe that evidence of any violation of this title is within the place to be entered.

12-2-305. Sales to violators prohibited; hearing and review.

Whenever any licensee is convicted of willfully violating any provision of this title, upon satisfactory proof of the conviction, the division may, after notice and hearing, refuse to sell alcoholic beverages to the licensee. The administrative proceeding shall be conducted as a contested case before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division. Judicial review, if any, shall be from the decision of the division and in accordance with the provisions of the Wyoming Administrative Procedure Act.

12-2-306. Sales to licensees failing to pay sales tax prohibited; hearing and review.

Upon certification by the department of revenue that any licensee is sixty (60) or more days delinquent in paying sales taxes, the division shall not sell alcoholic beverages to the licensee or its operator until the department of revenue certifies that the licensee has paid all sales taxes owed. Upon receipt of certification, the division shall notify the issuing licensing authority of the delinquency. The licensee shall be allowed a hearing before the state board of equalization as provided by the Wyoming Administrative Procedure Act

if the licensee feels aggrieved by any action taken under this section.

ARTICLE 4
ALCOHOL SERVER TRAINING PROGRAM

12-2-401. Definitions.

(a) As used in this article:

(i) "Department" means the department of revenue;

(ii) "Program" means an alcohol server training program and examination administered to servers by providers under the provisions of this article;

(iii) "Provider" means an individual, independent contractor, partnership, corporation, public or private school or any other legal entity certified by the department to provide an alcohol server training program authorized by this article;

(iv) "Server" means a person who physically serves or delivers alcoholic liquor at retail on or off the premises of a business licensed by a local licensing authority under this title.

12-2-402. Powers and duties of the department.

(a) Not later than December 31, 2003, the department shall promulgate rules establishing an alcohol server training program to train servers to help promote safe and responsible consumption of alcoholic liquor.

(b) The rules shall provide for the certification of providers who shall use curricula developed by the department. The department shall promulgate rules governing the manner in which providers make available program courses and examinations to servers.

(c) The department may suspend, revoke or not renew any certification issued to a provider if, after notice and opportunity for a hearing, the department finds the provider has violated this article or any rule promulgated under this article.

(d) The department may cooperate and enter into agreements with the department of health to implement the purposes of this section. The agreements may provide for the expenditure of funds appropriated to the department of health which are not otherwise restricted.

ARTICLE 5
BEER KEG REGISTRATION

12-2-501. Definition.

As used in this article "beer keg" means any brewery sealed, single container that contains not less than seven (7) gallons of malt beverage.

12-2-502. Sale of beer kegs.

No licensee shall sell beer kegs unless that licensee affixes an identification label or tag to each beer keg. An identification label or tag provided by the division shall consist of paper, plastic, metal or another durable material that is not easily damaged or destroyed. Identification labels may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attaching the tag to the beer keg. The identification information contained on the label or tag shall include the licensee's name, address and telephone number, and a unique beer keg number assigned by the licensee. A prominently visible warning that intentional removal or alteration of the label or tag is a criminal offense shall be placed on the tag. Upon return of a beer keg to the licensee that sold the beer keg and attached the identification label or tag, the licensee shall be responsible for the complete and thorough removal of the entire identification label or tag, and any adhesive or attachment devices on the label or tag. The identification label or tag shall be kept on file with the licensee for not less than ninety (90) days after the date of return.

12-2-503. Licensee to keep records.

(a) A licensee at the time of selling any beer keg shall record:

(i) The number on the purchaser's:

(A) Motor vehicle driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or by an official governmental agency of Canada or Mexico;

(B) Permanent resident card issued by the United States citizenship and immigration services;

(C) An identification card issued to a member of the armed forces;

(D) An internationally accepted passport document with a discernible date of birth and photograph; or

(E) Valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(ii) The date and time of the purchase;

(iii) The beer keg identification number; and

(iv) The purchaser's signature.

(b) The record shall be retained for not less than ninety (90) days after the date of the sale.

12-2-504. Access to records.

A licensee required to retain records under W.S. 12-2-502 or 12-2-503(b) shall make the records available during regular business hours for inspection by a peace officer or the division.

12-2-505. Violation.

(a) A person who is required to record information shall not knowingly make a materially false entry in the book or register required under W.S. 12-2-503. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

(b) Any person who removes or alters an identification tag or label affixed to a beer keg as required by W.S. 12-2-502, other than the licensee acting in accordance with W.S. 12-2-502, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

CHAPTER 3
TAXATION

12-3-101. Excise tax to be paid; limitation on liquor or malt beverage importation; penalties.

(a) An excise tax is assessed and shall be collected by the division equal to three-fourths of one cent (\$.0075) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on wine, two and one-half cents (\$.025) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on spirituous liquors and one-half cent (\$.005) per liter (33.8 ounces) or fraction thereof on malt beverages. The appropriate excise tax shall be collected on all alcoholic or malt beverages sold, offered for sale or use in this state.

(b) It is unlawful for any licensee to receive or possess any alcoholic or malt beverage upon which state excise taxes have not been paid.

(c) Any licensee or permittee who violates subsection (b) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than one (1) year, or both.

(d) No person shall, without authorization from the division or by law, personally transport alcoholic liquor or malt beverages into Wyoming for sale, use or consumption in the state when the applicable state excise tax has not been paid. No person shall import or transport at any given time more than three (3) liters of alcoholic liquor excluding wine, nine (9) liters of wine or five (5) gallons of malt beverage for the personal use of the possessor into Wyoming if the applicable state taxes have not been paid. This subsection shall

not apply to a person importing manufactured wine in accordance with the provisions of W.S. 12-2-204.

(e) Any person importing or transporting alcoholic liquor in violation of subsection (d) of this section is guilty of a misdemeanor. All alcoholic liquor or malt beverages illegally imported or transported shall be forfeited and delivered to the division for disposition as inventory stock.

12-3-102. Confiscation authorized; disposition; when seizure permitted.

(a) When an authorized inspector discovers alcoholic liquors or malt beverages upon which excise taxes have not been paid in the possession of a licensee, he shall take possession of and hold the alcoholic liquors or malt beverages as evidence against the offender. If the offender is convicted of a violation of W.S. 12-3-101, the court shall order that the untaxed liquor or beverage be delivered to the division, if merchantable, where it will be added to its stock and sold in the usual course of business. If the liquors or beverages are determined to be nonmerchantable, the court shall order their destruction. This subsection shall not apply to homemade beverages that are provided in accordance with an event under W.S. 12-10-102, provided that the beverages shall be removed from the premises within twenty-four (24) hours following the end of the event.

(b) Whenever an inspector, agent or employee of the division or any peace officer of the state lawfully discovers alcoholic liquors or malt beverages which have been unlawfully imported or transported, he may seize the alcoholic liquor or malt beverage and packages in which they are contained for use as evidence and shall not be removed from state control upon writ of replevin or other like process. Nothing in this section shall apply to the transportation of homemade beverages to or from an event held pursuant to W.S. 12-10-102.

CHAPTER 4
LOCAL LICENSES

ARTICLE 1
APPLICATIONS

12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment and payment of fees.

(a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable retail liquor licenses pursuant to W.S. 12-4-201, less than the allowable bar and grill liquor licenses pursuant to W.S. 12-4-413 or from refusing to issue any license or permit authorized by this title.

(b) Population figures are based upon the official ten (10) year federal census preceding the time of application. Population figures based upon the official census shall be periodically revised by a state population estimate no later than five (5) years after the federal census publication date.

(c) Population figures and estimates required by subsection (b) of this section shall be furnished to the appropriate licensing authorities within the state by the department of administration and information using population estimates from the United States bureau of the census. The maximum number of licenses and permits available for issuance by a licensing authority pursuant to the population formula provided by W.S. 12-4-201 and 12-4-413, shall be certified and distributed by the division.

(d) Unless otherwise provided, the licensing authority shall uniformly assess license or permit fees annually for each particular class of license or permit. Applicants for a license or permit shall pay the required fee in cash or by certified check upon receipt of the license or permit.

12-4-102. Application for licenses and permits; contents; signature and verification.

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate licensing authority and shall contain the following provisions:

(i) The location and a description of the room in which the applicant will sell under the license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed;

(ii) The age and residence of the applicant, and of each applicant or partner if the application is made by more than one (1) individual or by a partnership;

(iii) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and of any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;

(iv) If the applicant is a corporation:

(A) The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation; and

(B) Whether any officer, director or stockholder with ten percent (10%) or more ownership has been convicted of a violation of law as provided in paragraph (iii) of this subsection.

(v) If the applicant is a limited liability company:

(A) The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company; and

(B) If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided under paragraph (a)(iii) of this subsection.

(vi) A statement indicating the financial condition and financial stability of a new applicant;

(vii) The site and the zoning of the site where the applicant will sell under the license;

(viii) If application is for a retail license renewal, the applicant shall provide documentation to the local licensing authority that minimum purchase requirements specified in W.S. 12-4-103(c) have been met.

(b) No person or partner shall have any interest, directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two (2) or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one (1) individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a license or permit unless at least one (1) of the officers, managers, or if there are no officers or managers, at least one (1) of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.

(c) Corporate and limited liability company licensees and permittees shall advise the licensing authority within thirty (30) days in writing of any change in the information in the application required by paragraph (a)(iv) or (v) of this section. The licensing authority shall provide the division a copy of a notification of change.

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

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(i) Any mayor, member of a city or town council or county commissioner within their respective jurisdiction;

(ii) Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;

(iii) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted by W.S. 12-4-403(b);

(iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two (2) years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two (2) years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority;

(v) Repealed By Laws 1996, ch. 122, § 3.

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages;

(vii) A person under eighteen (18) years of age;

(viii) A college fraternity or organization created by one (1) or more college fraternities;

(ix) A chamber of commerce, except for twenty-four (24) hour malt beverage permits issued pursuant to W.S. 12-4-502;

(x) A corporation, limited liability company, limited partnership, or limited liability partnership which has not qualified to do business in Wyoming;

(xi) An individual who is not a resident; or

(xii) Any general partnership or group of two (2) or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in this state.

(b) Except as provided in W.S. 12-4-301(e), no licensing authority shall issue more than one (1) license or permit to any one (1) person.

(c) Except as provided in subsection (d) of this section, a license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one (1) year term of the license or permit, purchase at least five hundred dollars (\$500.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one (1) year term of the license, purchase at least two thousand dollars (\$2,000.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.

(d) Subsection (c) of this section shall not apply to:

(i) Any licensee or permittee having a planned but not physically functional building pursuant to paragraph (a)(iv) of this section;

(ii) Holders of special permits issued under article 5 of this chapter;

(iii) Holders of a limited transportation liquor license under W.S. 12-2-202.

12-4-104. Publication of notice; grant or denial; renewal preference; copy of application and notice to division; judicial review.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. When a county is the licensing authority, the county clerk shall also post the notice on the official website of the county in the manner provided in W.S 18-3-516(f). When a city or town is the licensing authority, the city clerk shall also post the notice on the city or town's official website if one exists. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A

Notice is hereby given that on the day of (year) (name of applicant) filed an application for a license (permit), in the

office of the clerk of the city (or town or county) of for the following described place (and room) (insert description) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour ofM., on the day of (year), in the (meeting place of the governing body).

Dated

Signed

(b) Any license or permit authorized under this title shall not be issued, renewed or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

(i) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;

(ii) The purpose of this title shall not be carried out by the issuance, renewal or transfer of the license or permit;

(iii) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;

(iv) The desires of the residents of the county, city or town will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

(v) Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

(c) The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the licensing authority.

(d) When any application is filed with a licensing authority, the licensing authority shall immediately forward a copy of the application to the division. No licensing authority shall approve or deny an application until the division has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the division within ten (10) working days after receipt of the application. Upon approval or denial of an application, the licensing authority shall promptly notify the division.

(e) An applicant for a renewal license or permit may appeal to the district court from an adverse decision by the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

(f) Upon an appeal the person applying for a license and claiming renewal preference shall be named as plaintiff, with the licensing authority named as defendant. During the pendency of an appeal, a renewal license denied by a licensing authority shall not be granted to any other applicant. Upon notice of appeal the clerk shall transmit to the clerk of the district court a certified copy of the application, of each protest if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the clerk of the licensing authority. The case shall be heard promptly and the procedure shall conform to the Wyoming Rules of Civil Procedure unless other procedures are provided for or required.

12-4-105. Disposition of license fees; refunds prohibited.

All fees for licenses and permits issued by a licensing authority paid under this title shall be deposited into the treasury of the licensing authority. No refund of all or any part of a license fee shall be made at any time following issuance.

12-4-106. Term of license and permit; exception.

(a) A license or permit is considered a personal privilege to the holder and the term of the license or permit is for one (1) year unless sooner revoked. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.

(b) The term of a license or permit may be less than one (1) year if specified by the licensing authority to coincide with the annual date or dates set by the authority for consideration of license and permit issuance, renewals and transfers. A licensing authority issuing a license or permit for a term less than one (1) year shall pro-rate the annual fee accordingly. Any licensee not attempting to renew a newly issued pro-rated license or permit valid for one (1) year shall not be eligible for any license or permit authorized under this title for a period of two (2) years after the expiration date of the pro-rated license or permit.

ARTICLE 2

RETAIL LICENSES AND PERMITS

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

(a) A retail liquor license is the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(b) A malt beverage permit is the authority under which the licensee is permitted to sell malt beverages only.

(c) Repealed by Laws 1979, ch. 156, § 4.

(d) The number of retail liquor licenses issued shall be based on the following population formula:

(i) Not more than two (2) licenses in incorporated towns of five hundred (500) population or less;

(ii) Not more than one (1) additional license for each additional five hundred (500) population or major fraction thereof in incorporated cities or towns up to a population of nine thousand five hundred (9,500); and

(iii) Not more than one (1) additional license for each additional full three thousand (3,000) population over nine thousand five hundred (9,500).

(e) The license fee to be assessed for a retail liquor license shall be not less than three hundred dollars (\$300.00) nor more than one thousand five hundred dollars (\$1,500.00) payable annually in advance.

(f) Retail liquor licenses and malt beverage permits may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(i) One (1) retail liquor license issued for each five hundred (500) population residing outside cities and towns; but

(ii) No more than three (3) retail liquor licenses issued for locations within five (5) miles of the corporate limits of a city or town; and

(iii) Malt beverage permits may be issued for county locations beyond a five (5) mile zone around incorporated cities and towns without regard to population.

(g) The license fee for county retail liquor licenses within five (5) miles of a city or town shall not be less than the comparable fee charged by the adjacent town and all license fees and taxes shall be assessed as provided by law.

(h) The license fee assessed by a county for malt beverage permits shall be not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).

12-4-202. Licenses or permits issued prior to April 1, 1961; replacements.

Retail liquor licenses or other permits issued prior to April 1, 1961 are not subject to nonrenewal due to the application of population formulas or municipal boundary requirements provided by W.S. 12-4-201. If a license or permit is not renewed for any other reason it shall

not be reissued until circumstances are in conformance with the requirements of W.S. 12-4-201.

12-4-203. Repealed by Laws 1985, ch. 92, § 3.

ARTICLE 3
SPECIAL CLUB LICENSES

12-4-301. Sales by clubs; license fees; petition; license restrictions.

(a) Bona fide clubs as defined by W.S. 12-1-101(a)(iii) may be licensed by the appropriate licensing authority under a limited retail liquor license for which the licensee shall pay a license fee of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00) annually in advance.

(b) At least fifty-one percent (51%) of the membership of a social club as defined by W.S. 12-1-101(a)(iii)(E) shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the division and shall include the residence address of each member signing the petition.

(c) Except as otherwise provided by W.S. 12-5-201(g), a club holding a limited retail license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building, space or premises.

(d) Repealed by Laws 1985, ch. 92, § 3.

(e) Notwithstanding W.S. 12-4-103(b), a political subdivision of the state may hold no more than two (2) club limited retail liquor licenses for golf courses owned, maintained or operated by that political subdivision in addition to any other license held by that political subdivision.

12-4-302. Repealed By Laws 2001, Ch. 103, § 2.

12-4-303. Repealed By Laws 2001, Ch. 103, § 2.

ARTICLE 4
RESORT AND RESTAURANT LIQUOR LICENSES

12-4-401. Resort retail liquor licenses; authorized; qualifications; provision for licenses issued prior to January 1, 1980.

(a) The appropriate licensing authority in a county, city or town may issue resort retail liquor licenses to applicants who are

owners or lessees of a resort complex where the resort complex satisfies the requirements of subsection (b) of this section.

(b) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:

(i) Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land;

(ii) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons; and

(iii) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with a minimum of one hundred (100) sleeping rooms; or

(A) Repealed by Laws 2015, ch. 49, § 2.

(B) Repealed by Laws 2015, ch. 49, § 2.

(iv) Without being required to meet the standards of paragraph (iii) of this subsection, be a ski resort facility open to the general public in which the applicant shall have committed or expended on the facility not less than ten million dollars (\$10,000,000.00).

(c) Nothing contained within this section shall have any effect on resort liquor licenses issued prior to January 1, 1980, or to the right or renewal of a resort liquor license.

12-4-402. Repealed by Laws 1979, ch. 156, § 3.

12-4-403. Population formula not applicable; transfer.

(a) The provisions authorizing resort liquor licenses have no application to the population formula limiting retail liquor licenses as provided by W.S. 12-4-201.

(b) No resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or licensee of the licensed premises with the approval of the licensing authority. No transfer of a resort liquor license shall be required where the license is used by a person with whom the licensee has contracted or subcontracted for the provision of food and beverage services on the licensed premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103.

12-4-404. Sale of beverages for off-premises consumption prohibited.

Resort liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee, except

pursuant to a catering permit. The dispensing of alcoholic or malt beverages licensed to be sold hereunder shall be controlled by W.S. 12-5-201 and if a catering permit has been issued by W.S. 12-4-502(b).

12-4-405. Annual fee.

The annual fee for a resort liquor license shall be not less than five hundred dollars (\$500.00) nor more than three thousand dollars (\$3,000.00).

12-4-406. Repealed by Laws 1979, ch. 156, § 3.

12-4-407. Restaurant liquor license; authorized.

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a restaurant liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application. When the total dollar amount of wholesale purchases from the division of liquor in a county is greater than fifty (50) times the county population, then population formulas have no application to issuance of restaurant liquor licenses within the county.

(b) Repealed by Laws 1985, ch. 92, § 3.

(c) After the maximum number of appropriate licenses has been certified by the division, the number of restaurant liquor licenses issued shall not exceed fifty percent (50%) of the number of retail liquor licenses allowable under W.S. 12-4-201(d), or two (2), whichever is greater.

(d) Any person presently holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407 through 12-4-411 may be issued a restaurant liquor license by the appropriate licensing authority. Licenses issued under this subsection shall not be considered in the number of licenses authorized under subsection (c) of this section.

12-4-408. Revenues of licensee to be derived primarily from food services and not the sale of alcoholic beverages; annual report.

(a) An applicant for a restaurant liquor license shall satisfy the appropriate licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic or malt beverages.

(b) When renewing a restaurant liquor license, the appropriate licensing authority shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed restaurant be derived from food services.

(c) Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two (2) categories:

- (i) Food service sales; and
- (ii) Alcoholic and malt beverage sales.

12-4-409. Transfer of licenses.

No restaurant liquor license shall be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the appropriate licensing authority.

12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

(a) Except as provided in subsection (e) of this section, restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Except as provided in subsections (b) and (e) of this section, alcoholic or malt beverages shall be served for on-premises consumption only in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and approved as provided in W.S. 12-5-201(a), upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over eighteen (18) years of age is permitted to enter the separate dispensing room.

(c) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the hours specified by W.S. 12-5-101(a) if food sales and services extend beyond the hours specified therein.

(d) No restaurant liquor licensee shall promote the restaurant as a bar and lounge nor shall the licensee compete with a retail

liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings. Nothing in this subsection shall require a restaurant liquor licensee to reconstruct or remodel licensed premises existing on or before June 8, 1989.

(e) A restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premises consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. For purposes of this subsection the term "full course meal" shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee and placed in a tamper-proof transparent bag which shall also be securely sealed prior to removal from the premises, so that it is visibly apparent that the resealed bottle of wine has not been tampered with. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine which is resealed in accordance with the provisions of this subsection shall not be deemed an open container for purposes of W.S. 31-5-235.

12-4-411. License fee.

The annual fee for a restaurant liquor license shall be no more than three thousand dollars (\$3,000.00) and no less than five hundred dollars (\$500.00). The license fee for a county restaurant liquor license within five (5) miles of a city or town shall not be less than the restaurant liquor license fee charged by that city or town.

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue:

(i) A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;

(ii) A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

(b) The local licensing authority:

(i) May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

(ii) May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the division;

(iii) May approve the dual holding of a microbrewery permit or winery permit and one (1) of the following:

(A) A retail liquor license as provided in W.S. 12-4-101 through 12-4-202;

(B) Subject to subsection (c) of this section, a restaurant license as provided in W.S. 12-4-411;

(C) A resort license as provided in W.S. 12-4-401 through 12-4-405;

(D) A microbrewery permit as provided under paragraph (a)(i) of this section;

(E) A winery permit as provided under paragraph (a)(ii) of this section; or

(F) Subject to subsection (e) of this section, a bar and grill liquor license as provided in W.S. 12-4-413.

(iv) May allow the microbrewery to sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;

(v) May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale;

(vi) Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;

(vii) May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and

(viii) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each microbrewery or winery permit. When dual ownership of a microbrewery or winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (b)(iii)(B) of this section, except the dual holder:

(i) May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons age eighteen (18) or under are permitted to enter. The dining room in which the malt

beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;

(ii) May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(iii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iv) Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under W.S. 12-4-408(c).

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions of W.S. 12-5-201.

(e) The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (b)(iii)(F) of this section, except the dual holder:

(i) May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(ii) May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iii) Shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

(f) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(g) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

(h) Any licensed winery holding a winery permit pursuant to this section shall:

(i) Not ship more than a total of thirty-six (36) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

(ii) Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactured wine to any combination of households or licensed retailers in this state;

(iii) Ship its manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

(iv) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

(v) Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

(vi) File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their own manufactured wine subject to the following:

(A) The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made;

(B) Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00).

(vii) Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.

12-4-413. Bar and grill liquor license; authorized; requirements.

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities

and towns under a bar and grill liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application.

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(i) Not more than two (2) licenses in incorporated cities or towns of seven thousand five hundred (7,500) or less; and

(ii) Not more than three (3) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and fifteen thousand (15,000); and

(iii) Not more than four (4) licenses for population in incorporated cities between fifteen thousand one (15,001) and twenty-seven thousand five hundred (27,500); and

(iv) Not more than one (1) additional license for each additional seven thousand five hundred (7,500) population in incorporated cities over twenty-seven thousand five hundred (27,500).

(c) Bar and grill liquor licenses may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(i) One (1) license for each seven thousand five hundred (7,500) population residing outside incorporated cities and towns.

(d) The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars (\$1,500.00) nor more than ten thousand five hundred dollars (\$10,500.00).

(e) A bar and grill liquor license shall not be sold, transferred or assigned by the holder.

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

ARTICLE 5
SPECIAL PERMITS

12-4-501. Malt beverage permit for University of Wyoming; fee; rules and regulations.

(a) Upon an application to the city of Laramie for a malt beverage permit, the city shall issue a special malt beverage permit to the board of trustees of the University of Wyoming for sale of malt beverages drawn only from kegs at the student union on the campus of the University of Wyoming. The issuance of a malt beverage permit

shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201.

(b) The fee for the permit provided by subsection (a) of this section is one hundred dollars (\$100.00).

(c) The board of trustees of the University of Wyoming shall provide rules and regulations for the following:

(i) Location of the dispensing rooms in which malt beverages may be sold;

(ii) Furnishings and other features of the dispensing rooms;

(iii) The hours and days of the operation of the dispensing rooms, which shall be within the following limits:

(A) Monday through Thursday, 3:00 p.m. to 10:00 p.m.;

(B) Friday, 3:00 p.m. to 12:00 midnight;

(C) Saturday, 10:00 a.m. to 12:00 midnight.

(iv) Whether food may be sold in the dispensing rooms;

(v) A uniform procedure of age identification for all purchasers;

(vi) Locations within the student union where malt beverages may be consumed; and

(vii) Such other rules and regulations necessary to carry out the purposes of this section.

(d) Repealed By Laws 2001, Ch. 105, § 2.

(e) The board of trustees may prohibit dispensing malt beverages by any seller designated under paragraph (c)(iv) of this section, for any period less than ninety (90) days, upon information that violations of state law have occurred.

12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. W.S. 12-5-201 does not apply to this subsection.

(b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the appropriate licensing authority to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.

(c) The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided by W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and thirty-six (36) catering permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises, or to catering permits for events at the facilities of the University of Wyoming in Laramie, including the Marian H. Rochelle Gateway Center.

(d) The malt beverage permit and the catering permit shall be issued on application to the appropriate licensing authority without public notice or hearing. An application for a malt beverage permit or catering permit under this section shall be accompanied by a designation of the event for which the application is sought specifying the type of event and the name of the sponsor. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than that jurisdiction to which application is made, shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing an application for a permit.

(e) The fee for the malt beverage permit and the catering permit shall be not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) per twenty-four (24) hour period, payable to the appropriate licensing authority.

12-4-503. Repealed by Laws 1979, ch. 156, § 3.

12-4-504. Special malt beverage permit for public auditoriums, civic centers or events centers.

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers meeting the qualifications of subsection (b) of this section.

(b) To qualify for a special malt beverage permit as authorized pursuant to this section the appropriate licensing authority shall require that:

(i) The public auditorium, civic center or events center shall be an enclosed building owned by the county, city or town containing meeting rooms, kitchen facilities and at least one (1) auditorium which has a seating capacity for no less than five thousand (5,000) persons and is used for public gatherings;

(ii) The person or organization holds a written agreement with the owner of the public auditorium, civic center or events center giving said person the right to sell concessions within the building for the period for which the license will be effective.

(c) No person or organization holding the special malt beverage permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the issuing body and the holder of the permit to see that no sales are made to any person under the age of twenty-one (21) years.

(d) The permits authorized by this section shall be issued after a hearing on application for a one (1) year period unless sooner revoked and the license fee shall be one thousand five hundred dollars (\$1,500.00) payable annually in advance.

(e) The issuing body shall provide rules and regulations for the following:

(i) The location of the dispensing rooms;

(ii) The furnishings and other features of the dispensing rooms; and

(iii) The hours and days of the operation of the dispensing rooms.

12-4-505. Malt beverage permit for state fair.

(a) Upon application, the appropriate licensing authority shall issue to the director of the department of agriculture a malt beverage permit for the sale of malt beverages only on the state fairgrounds during the state fair. W.S. 12-5-201 does not apply to this subsection. The issuance of a malt beverage permit under this subsection shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201. Malt beverages shall only be sold for consumption on the state fairgrounds in areas specifically designated by the director of the department of agriculture.

(b) The fee for the permit provided by subsection (a) of this section is one hundred dollars (\$100.00).

(c) The director of the department of agriculture shall promulgate rules and regulations concerning:

- (i) The location of the dispensing rooms;
- (ii) The location of areas where malt beverages may be consumed on the state fairgrounds;
- (iii) The furnishings and other features of the dispensing rooms;
- (iv) The hours and days of the operation of the dispensing rooms;
- (v) A uniform procedure of age identification for all purchasers; and
- (vi) Other rules and regulations necessary to carry out the purposes of this section.

12-4-506. Repealed by Laws 2004, Ch. 73, §2.

ARTICLE 6
SALE, ASSIGNMENT AND TRANSFER

12-4-601. Transfer of license location; transfer of ownership; fee.

(a) After public hearing and with the approval of the licensing authority, a license or permit may be transferred to or renewed on different premises on the same basis as the original application. An additional license fee of not more than one hundred dollars (\$100.00) is required for the remaining term of the license or permit. A transferred license or permit shall expire on the same date as the original license or permit.

(b) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the licensing authority, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the licensing authority if the transferring licensee is certified by the department as sixty (60) or more days delinquent in paying sales taxes pursuant to W.S. 12-2-306, or if proceedings are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the appropriate licensing authority of not more than one hundred dollars (\$100.00) for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

12-4-602. Annexations; transfer of licensing jurisdiction; licenses transferred exempt from population formula.

(a) The licensed premises of a license issued by a county which is located within an area annexed into the corporate limits of a city or town shall be transferred to the licensing jurisdiction of that city or town.

(b) Any transfer of jurisdiction provided within this section shall not require the payment of any additional fee for the transfer.

(c) A county license transferred within the jurisdiction of a city or town pursuant to annexation shall not be transferred to or renewed on different premises within the city or town for a period of six (6) years after the transfer of jurisdiction.

(d) A license transferred pursuant to annexation shall be exempt from the population formula restrictions provided by W.S. 12-4-201 and 12-4-413.

(e) As used in this section, "license" includes a county malt beverage permit. A city or town shall charge the same fee for a county malt beverage permit as the county.

12-4-603. Annexation of retail liquor license or malt beverage permit into 5-mile zone; renewal.

(a) A county retail liquor license or malt beverage permit having licensed premises located within a five (5) mile zone around an incorporated city or town because of annexation of property shall not be denied an application for renewal by reason of annexation alone. The license or permit shall be subject to renewal by the county licensing authority in the same manner as if the licensed premises were beyond the five (5) mile zone around a city or town.

(b) A county retail liquor license or malt beverage permit renewed in accordance with subsection (a) of this section shall not be transferred to or renewed on different premises within a five (5) mile zone around an incorporated city or town for a period of six (6) years following the date of annexation of property.

12-4-604. Transfer or sale of license or permit; attachment, garnishment or execution.

No license or permit shall be transferred or sold except as provided by W.S. 12-4-601 through 12-4-603, used for any place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution.

ARTICLE 7
FORMS

12-4-701. Duty to prepare and furnish.

The Wyoming attorney general shall prepare and furnish to each city, town and county a form for liquor licenses and malt beverage permits. A license on a form other than as prescribed by the attorney general is invalid.

12-4-702. Signature and attestation; contents; display required.

(a) Each license issued by a city or town shall be signed by the mayor and attested by the clerk. Each license issued by a county shall be signed by the chairman of the board of county commissioners and attested by the county clerk.

(b) The following shall be shown in each license:

(i) The name of the licensee;

(ii) A description of the place in which alcoholic or malt beverages may be sold;

(iii) The date of issuance;

(iv) The amount of the fee; and

(v) That the fee has been paid.

(c) Each licensee shall display his license in a conspicuous place in the licensed room.

CHAPTER 5
RESTRICTIONS UPON LICENSEES

ARTICLE 1
HOURS OF OPERATION

12-5-101. Hours of sale generally; exceptions; designation of dates for unrestricted operation.

(a) All licensees may, with the approval of the local licensing authority, open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day. In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 a.m.

(b) Clubs holding liquor licenses may be exempt from the hours of operation specified in subsection (a) of this section by local ordinance or regulation of the appropriate licensing authority.

(c) The hours of operation designated in subsection (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 a.m.

ARTICLE 2
DISPENSING ROOMS**12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.**

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This area shall not be in another building and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room. The licensing authority shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.

(b) If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one (1) additional dispensing room under the same fee referred to in subsection (a) of this section. For purposes of this subsection, a convention facility shall have and maintain all of the following:

- (i) Motel or hotel sleeping room accommodations;
- (ii) Restaurant facilities; and
- (iii) Conference facilities.

(c) Licensing authorities may issue a twenty-four (24) hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one (1) licensee shall be issued more than six (6) permits in

any one (1) year period. The fee for the permit shall be not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

(d) If the licensee is engaged in the operation of or is a concessionaire for a public auditorium, civic center or events center, the licensee may dispense alcoholic liquors or malt beverages in any room or other appropriate location within the confines of the licensed premises approved by the licensing authority under the same fee specified in subsection (a) of this section.

(e) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation imposed under W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.

(f) A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to holders of a resort retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort retail liquor license is issued, except that any location on the resort premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. For each additional fixed dispensing location, the applicant shall pay an annual fee equal to sixty-six and two-thirds percent (66 2/3%) of the original license fee.

(g) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license

under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

(h) With the approval and on the conditions imposed by the licensing authority, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses, but such holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

(j) Any retail or restaurant liquor licensee operating on a guest ranch as defined by W.S. 12-1-101(a)(xxiii) may dispense alcoholic beverages from any location within the boundaries of the guest ranch premises. The guest ranch premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. For each additional fixed dispensing location, the applicant shall pay an annual fee equal to two-thirds (2/3) of the original license fee.

(k) A licensing authority may authorize a licensee holding a retail liquor license issued under W.S. 12-4-201 to hold an event on the licensed premises at which persons under the age of twenty-one (21) are permitted upon the premises if:

(i) No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person in the dispensing room during the event;

(ii) The dispensing room is closed during the event and all alcoholic liquor and malt beverages are removed from the dispensing room in which the event is held and are stored in an area

on the licensed premises not accessible to persons in the closed dispensing room during the event or stored in a manner preventing dispensation during the event;

(iii) The licensee otherwise complies with any additional conditions which may be imposed by rule and regulation of the appropriate licensing authority, including revocation of the authorization to hold the youth event.

12-5-202. Storage outside licensed premises prohibited; exception.

A retail licensee shall not store alcoholic liquor or malt beverages outside of the licensed premises unless he files with the division a written statement that he stores alcoholic liquors or malt beverages in a place other than his place of business and states the exact location of the storage place.

12-5-203. Minors restricted from dispensing room; exception; penalty.

(a) No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of eighteen (18) years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. No person under the age of eighteen (18) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

(i) Accompanied by his parent or guardian who is at least eighteen (18) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption; or

(ii) With the approval of the local licensing authority, in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of eighteen (18) may be permitted in the course of their employment to work in the room or rooms.

(c) Any person violating subsection (a) of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

12-5-204. Prohibited acts within dispensing room; violation cause for suspension or revocation of license or permit.

(a) No licensee or agent or employee thereof shall knowingly permit prostitution under W.S. 6-4-101, public indecency under W.S. 6-4-201 or gambling as prohibited by W.S. 6-7-102 or shall promote

obscenity under W.S. 6-4-302 within any dispensing room, building or premises licensed under this title.

(b) Any licensee or agent or employee thereof violating subsection (a) of this section, or aiding, abetting or inciting any violation thereof, is in addition to other penalties provided by law, sufficient cause for the suspension or revocation of a license or permit.

ARTICLE 3
DRIVE-IN AREAS

12-5-301. Conditions for operation.

(a) Upon approval of the licensing authority, a drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages under the following conditions:

(i) The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;

(ii) No part of the area used for orders, delivery and making payment shall be more than forty (40) feet distant from the licensed room;

(iii) The area shall be well lighted and subject to inspection by the licensing authority at any and all times;

(iv) No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;

(v) No order shall be received from nor delivery made to a person under twenty-one (21) years of age or an intoxicated person in the area;

(vi) No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and

(vii) Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

12-5-302. Determination to forbid or restrict.

The agents and officers of the licensing authority administering the retail liquor license shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. If by resolution of the licensing authority the right of a

licensee to use certain drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee.

ARTICLE 4
INDUSTRY REPRESENTATIVES

12-5-401. Interests in licenses or permits to sell.

No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. 12-2-203(g).

12-5-402. Furnishing of money and products; payment in full for malt beverages; credit for alcoholic liquor; credit deficiencies.

(a) Except as otherwise authorized in this section or W.S. 12-5-403, industry representatives shall not furnish, give or lend money or other things of value, directly or indirectly, to any person engaged in selling products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming. The prohibition shall extend to the giving to any person for the use, benefit or relief of the person engaged in selling the industry's products and to prohibit guaranty by the industry of a loan or other financial obligation of persons engaged at retail in selling these products. With prior approval of the applicable licensing authority, malt beverage industry representatives may furnish, give or lend money or other things of value to a licensee to support annual community events open to the public if the licensee:

(i) Is a nonprofit corporation organized under the laws of this state;

(ii) Is qualified as a tax exempt organization under the Internal Revenue Code; and

(iii) Has been in continuous operation for a period of not less than two (2) years.

(b) No sale or delivery of malt beverages shall be made by a wholesaler to any licensee except for payment in full made at the time of or prior to delivery, and a licensee shall not accept or receive delivery of malt beverages except when payment is made at or prior to delivery.

(c) The division may grant credit to retailers when purchasing alcoholic liquor for a period not to exceed four (4) days from date of shipment. Payments by mail for credit shipments shall be postmarked within twenty-four (24) hours of the receipt of the shipment by the retailer. The division may seize and sell all stocks of liquor of the

retailer to satisfy any credit balance. Any deficiency constitutes a lien on any proceeds received through transfer of the license or permit. If a retailer defaults in payment for a shipment under this section, no further shipments shall be made to him for a period of one (1) year except on a C.O.D. basis.

12-5-403. Furnishing of equipment; advertising materials; records to be kept.

(a) Industry representatives shall not furnish, give, rent, lend or sell at cost or below, either directly or indirectly, any equipment, fixtures or supplies to any person engaged in selling products of the industry under the privileges of a retail liquor license or limited retail liquor license. No person licensed to sell products of the industry shall receive or be the beneficiary of any of the prohibited benefits.

(b) The following materials when furnished free of charge to the wholesaler or an alcoholic beverage supplies representative, are exempt from subsection (a) of this section and may be furnished, given or loaned to any retail liquor licensee or limited retail liquor licensee:

(i) National advertising and promotional materials bearing advertising matter and having no value to the retailer except as advertisements;

(ii) Consumer advertising specialties bearing advertising matter;

(iii) Retailer's advertising specialties bearing advertising matter; and

(iv) Standard brewery or manufacturer's signs.

(c) Repealed by Laws 1995, ch. 99, § 2.

12-5-404. Repealed by Laws 1995, ch. 99, § 2.

12-5-405. Sale of alcoholic liquor.

Industry representatives shall not sell or attempt to sell any alcoholic liquor within Wyoming, except to the division. Any violation of this section is a misdemeanor.

ARTICLE 5
HABITUAL DRUNKARDS AND MINORS

12-5-501. Repealed by Laws 1979, ch. 156, § 3.

12-5-502. Repealed By Laws 2014, Ch. 110, § 104.

CHAPTER 6
MINORS

12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

(a) Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor. This subsection does not apply to sales by the division or a wholesaler to a licensee under this title.

(b) Repealed By Laws 2010, Ch. 6, § 2.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

(i) Purchase or attempt to purchase any alcoholic liquor or malt beverage;

(ii) Solicit another person to purchase alcoholic liquor or malt beverage;

(iii) Possess any alcoholic liquor or malt beverage;

(iv) Consume any ethyl alcohol; or

(v) Have measurable blood, breath or urine alcohol concentration in his body.

(d) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:

(i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;

(ii) As part of a church's or religious organization's religious services; or

(iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:

(A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or

(B) Pursuant to a lawful prescription.

(e) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of twenty-one (21) years specified in this section shall not apply:

(i) When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;

(ii) When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or

(iii) To a person who is a licensee under this title.

(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

(g) Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor.

(h) A motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

(j) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

12-6-102. Transporting or possessing in motor vehicle with intent to furnish to person under 21; penalties.

(a) No person who is at least twenty-one (21) years of age shall transport, or have in his possession or control, any alcoholic liquor or malt beverage, with the intent of furnishing the same to any person under the age of twenty-one (21) years, while operating or occupying a motor vehicle.

(b) Any person who violates subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both. Upon a second or any subsequent conviction under this subsection the person is guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term not exceeding five (5) years.

(c) In addition to the penalty provided in subsection (b) of this section the division of motor vehicles shall suspend, for a period of one (1) year, the driver's license and automobile

registration of any person convicted of operating a motor vehicle in violation of this section. The license suspension shall not run concurrent with any term of imprisonment, if imposed, but shall commence on the last day of incarceration.

12-6-103. Compliance.

(a) The department of health, working with local law enforcement agencies and other local individuals and organizations shall be the lead agency in the administration of this article. Nothing contained in this section shall be construed to limit or otherwise alter the authority granted to the department of revenue under any other provision of title 12.

(b) The department of health shall develop strategies to coordinate and support local law enforcement efforts in the enforcement of all state statutes relating to the prohibition of the sale of alcohol products to minors.

(c) The department of health shall have discretion to work with local agencies and individuals in the coordination of local education, prevention and enforcement efforts that appropriately reflect the needs of the community.

(d) For purposes of this section, the term "compliance check" shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:

(i) A person participating in a compliance check shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(ii) The person's appearance shall not be altered to make him appear to be twenty-one (21) years of age or older;

(iii) Neither a person age eighteen (18) to twenty-one (21) nor his parents or guardians shall be coerced into participating in such inspections;

(iv) In the event that a citation may result the person conducting the compliance check shall photograph the participant immediately before the compliance check and any photographs taken of the participant shall be retained by the person conducting the compliance check;

(v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101 and 12-5-203.

(e) The person conducting a compliance check under this section shall:

(i) Remain within sight or sound of the participant attempting to make the purchase;

(ii) Immediately inform in writing a representative or agent of the business establishment that a compliance check has been performed and the results of the compliance check;

(iii) If the compliance check may result in a citation, within two (2) days, prepare a report of the compliance check containing:

(A) The name of the person who supervised the compliance check;

(B) The age and date of birth of the participant who assisted in the compliance check;

(C) The name and position of the person from whom the participant attempted to purchase alcoholic beverages;

(D) The name and address of the establishment checked;

(E) The date and time of the compliance check; and

(F) The results of the compliance check, including whether the compliance check resulted in the sale or distribution of, or offering for sale, alcoholic beverages to the minor.

(iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was checked;

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing alcoholic beverages to minors during the compliance check.

CHAPTER 7
SUSPENSIONS AND REVOCATIONS OF LICENSES AND PERMITS

ARTICLE 1
IN GENERAL

12-7-101. Causes generally.

Any violation of this title by any manufacturer, rectifier, wholesaler, licensee, employee or agent thereof is sufficient cause for the suspension and in the case of gross violation the revocation of the license of the licensee.

12-7-102. Suspension of license when revocation inadvisable.

In a proceeding for revocation of a liquor license and when a licensee is found guilty of violating W.S. 12-1-101 through 12-8-301, the

district court or the division may, if it appears inadvisable to revoke the license, suspend the license for a period not to exceed the balance of the term for which the license was issued and the suspension shall not, of itself, disqualify the license holder for renewal at the end of the license term.

12-7-103. Suspension of license by licensing authorities for failure to pay sales tax.

A local licensing authority may suspend any license issued under this title if the licensee fails to pay sales taxes and the division has ceased sales of alcoholic liquor to the licensee pursuant to W.S. 12-2-306. The licensee may appeal license suspension to the district court in the manner specified under W.S. 12-4-104(f) and the appeal proceedings shall be in accordance with the Wyoming Rules of Appellate Procedure. The suspension shall remain in effect pending a decision by the appellate court.

ARTICLE 2
REVOCATION PROCEDURE

12-7-201. Civil action; administrative and judicial proceedings; disposition of liquors.

(a) An action to revoke any Wyoming liquor license or permit may be brought in the name of the state of Wyoming by the attorney general, any county attorney or the licensing authority for the reason that the licensee or permittee has violated this title.

(b) Actions to revoke licenses are civil actions and shall be tried before the court without a jury. The revocation proceedings shall be in accordance with the Wyoming Rules of Civil Procedure, and the trial and all other matters to come before the court shall have a priority upon the court calendar. If, upon trial, it appears that the license or permit of the licensee should be revoked, the court shall enter its order accordingly. The court may revoke the license or permit upon proof that the intent and purpose of this title has been violated. The fact that no criminal proceeding has been instituted or that no law with sanctions has been violated is not a defense to the action. Upon the application of the state and upon a showing to the satisfaction of the court that there are probable grounds for believing the license holder's license should be revoked, the court may issue an order suspending a license during the pendency of an action for its revocation and no bond shall be required as a condition to the issuance of the suspension order. Appeal from the final district court decision may be taken according to the Wyoming Rules of Appellate Procedure, but the order of revocation shall remain in effect pending a decision by the appellate court.

(c) The provisions of this section are cumulative and shall not be construed as preventing the division from revoking a liquor license in any case authorized by law.

(d) The division may revoke any license or permit issued under this title for violation of any of the rules and regulations

promulgated by the department pursuant to this title or for violation of any of the provisions of this title. Revocation proceedings initiated by the division shall be conducted as a contested case under the Wyoming Administrative Procedure Act before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division. The decision of the division shall be subject to judicial review under W.S. 16-3-114 except that the review shall not operate to stay a revocation order of the division during the pendency of the district court proceeding or during a later appeal to the supreme court. Should the license of a defendant expire during the pendency of an appeal in any of the courts of this state, no new or renewal license shall be granted by the licensing authority to the defendant or any other person pending the outcome of the appeal.

(e) Upon the revocation of a liquor license or permit, all alcoholic liquors in the possession of the license holder and which are in merchantable condition shall be delivered to the division which shall reimburse the license holder for the value thereof at its then regular wholesale prices. All malt beverages and nonmerchantable alcoholic liquors shall be disposed of at the direction of the division.

CHAPTER 8
PENALTIES

ARTICLE 1
IN GENERAL

12-8-101. General penalty for violations.

Any person who violates any provision of this title for which no specific penalty is provided is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

12-8-102. Manufacturing, rectifying or sale without license or permit; penalties.

(a) Any person who manufactures or rectifies any alcoholic beverage without holding a manufacturer's license or who possesses a still without holding a manufacturer's license is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both. Any equipment possessed and used in an illegal manner shall be confiscated by the state and disposed of as directed by the court. Nothing in this subsection shall apply to the manufacture of homemade beer, mead, wine and fermented fruit juice if the total of beer, mead, wine and fermented fruit juice produced during a calendar year does not exceed:

(i) One hundred (100) gallons in a household having one (1) person who is twenty-one (21) years of age or older; or

(ii) Two hundred (200) gallons in a household having two (2) or more persons who are twenty-one (21) years of age or older.

(b) Except as otherwise provided in W.S. 12-10-102, any person who sells any alcoholic liquor or malt beverage without holding a license or permit authorizing the sale is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

ARTICLE 2
EVIDENCE

12-8-201. Possession of federal tax stamp; admission in evidence.

The possession of a special tax stamp from the United States authorizing the sale or manufacture of any alcoholic liquor or malt beverage by a person not licensed under this title, is prima facie evidence that the person holding the special tax stamp is manufacturing or selling in violation of W.S. 12-8-102. A certified copy of the special tax stamp verified by the proper authorities shall be admitted in evidence and considered in all respects as the original special tax stamp.

ARTICLE 3
DAMAGES

12-8-301. Limitation of liability.

(a) No person who has legally provided alcoholic liquor or malt beverage to any other person is liable for damages caused by the intoxication of the other person.

(b) This section does not affect the liability of the intoxicated person for damages.

(c) This section does not affect the liability of the licensee or person if the alcoholic liquor or malt beverage was sold or provided in violation of title 12 of the Wyoming statutes.

(d) For purposes of this section "licensee" is as defined in W.S. 12-1-101(a)(viii) and includes the licensee's employee or employees.

CHAPTER 9
MALT BEVERAGES

ARTICLE 1
RELATIONS BETWEEN MALT BEVERAGE
DISTRIBUTORS AND MANUFACTURERS

12-9-101. Legislative findings and intent.

(a) Regulation of business relations between malt beverage distributors and manufacturers serves a significant and legitimate public purpose.

(b) This act is intended to control and stabilize the distribution of malt beverages in the state and comprises an integral part of a comprehensive legislative regulation.

(c) This act is enacted pursuant to authority of the state under the provisions of the twenty-first amendment to the United States constitution to promote the public's interest in fair, efficient and competitive distribution of malt beverage products by regulation and encouragement of manufacturers and distributors to conduct their business relations toward these ends by:

(i) Assuring that the malt beverage distributor is free to manage its business enterprise, including the distributor's right to independently establish its selling prices;

(ii) Assuring the manufacturer and the public of service from a distributor who will devote reasonable efforts and resources to sales, distribution of the manufacturer's products which distributor has been granted the right to sell and distribute and to maintain a satisfactory sales level; and

(iii) Establishing and maintaining an orderly system of distribution of malt beverages to the public.

12-9-102. Definitions.

(a) As used in this act:

(i) "Brand" means any word, name, group of letters, symbol, trademark or combination thereof but not including the name of the supplier adopted and used by a supplier on a label to identify a specific beer or malt beverage and to distinguish that product from the label of another beer or malt beverage produced or marketed by that or another manufacturer;

(ii) "Brand extension" means any brand which incorporates all or a substantial part of the unique features of the label of a preexisting brand of the same manufacturer. A brand extension is not considered a new or different brand. Except for good cause a manufacturer shall assign a brand extension to the wholesaler which was granted the exclusive sales territory to the brand from which the brand extension resulted;

(iii) "Designated member" means the spouse, child, grandchild, parent, brother or sister of a deceased individual who owned an interest in a distributor's business, who is entitled to inherit the deceased individual's ownership interest in the distributor under the terms of the deceased individual's will, or who has otherwise been designated in a valid testamentary instrument by the deceased individual to succeed the deceased individual in the distributor's business, or who is entitled to inherit such ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual owning an ownership interest in a distributor, "designated member" means the person appointed by a court as the conservator of the individual's property. The term also

includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a distributor's business;

(iv) "Distributor" or "wholesaler" means any person licensed in the state to sell and distribute malt beverages at wholesale to persons who are licensed to sell malt beverages at retail in Wyoming;

(v) "Franchise" means a contract or agreement either expressed or implied, whether oral or written, for a definite or indefinite period of time in which a manufacturer grants to a malt beverage distributor the right to purchase, resell and distribute any brand or brands offered by the manufacturer;

(vi) "Franchisee" means a malt beverage distributor to whom a franchise is offered or granted;

(vii) "Franchisor" means a malt beverage manufacturer who grants a franchise to a malt beverage distributor;

(viii) "Fraud" means:

(A) A misrepresentation in any manner, whether intentionally false or arising from gross negligence, of a material fact;

(B) An intentional failure to disclose a material fact;

(C) Any artifice employed to deceive another.

(ix) "Good cause" means:

(A) Insolvency of the distributor, the filing of any petition by or against the distributor under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler which materially affects the distributor's ability to remain in business;

(B) Revocation or suspension of the distributor's license whereby the distributor cannot distribute malt beverages for more than sixty (60) days;

(C) The distributor or an individual who owns more than ten percent (10%) of the stock of a corporate distributor has been convicted of a felony. As used in this paragraph, "felony" means a felony under the United States Code or laws of this state;

(D) The distributor intentionally sells the supplier's products to a retailer or retailers outside that distributor's assigned territory;

(E) There is a failure by the distributor to comply with a provision of the agreement with a manufacturer which is both

reasonable and of material significance to the business relationship between the distributor and the manufacturer and which failure has not been cured by the distributor pursuant to the provisions of this act.

(x) "Good faith" means honesty in fact in the conduct of the transaction involved and the observance of reasonable commercial standards of fair dealing in the trade;

(xi) "Manufacturer" means any person licensed to manufacture or import malt beverages for distribution to distributors licensed in Wyoming;

(xii) "Person" means a natural person, corporation, association, partnership, trust or other business entity and, in case of a business entity, shall include any other entity in which it has a majority interest or it effectively controls, as well as the individual officers, directors, and other persons in active control of the activities of each entity. "Person" also includes heirs, assignees, personal representatives and guardians;

(xiii) "Reasonable qualifications" means the average standard of the criteria used by the respective manufacturer for similarly situated distributors that entered into or renewed an agreement with the manufacturer during a period of twenty-four (24) months prior to the proposed transfer of the distributor's business;

(xiv) "Retaliatory action" includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a distributor under an agreement, which is not made in good faith as defined in this act;

(xv) "Sale" includes the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation or mortgage in any manner or form, whether by transfer in trust or otherwise, of malt beverages or of any franchise related thereto for consideration and any option, subscription or other contract for consideration;

(xvi) "Similarly situated distributors" means distributors of a manufacturer that are of a generally comparable size, and operate in markets with similar demographic characteristics, including population, size, density, distribution and economic conditions;

(xvii) "Transfer of a distributor's business" means the voluntary sale, assignment or other transfer, including the sale or other transfer of stock or assets by merger, consolidation or dissolution of:

(A) The business;

(B) Control of the business of the distributor; or

(C) An ownership interest of ten percent (10%) or more of the business of the distributor.

(xviii) "This act" means W.S. 12-9-101 through 12-9-119.

12-9-103. Application of act.

Any person who engages directly or indirectly in purposeful agreements or contracts in connection with the purchase of malt beverages from manufacturers or the sale of malt beverages to malt beverage distributors within this state shall be subject to the provisions of this act and shall be subject to the jurisdiction of the courts of this state for violations of this act in accordance with the provisions of the laws of this state.

12-9-104. Unfair and prohibited acts.

(a) It shall be a violation of this act for a manufacturer or manufacturer's officer, agent or other representative thereof:

(i) To coerce or compel, or attempt to coerce or compel, any malt beverage distributor to order or accept delivery of any malt beverage or any other commodity which the distributor has not voluntarily ordered;

(ii) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of the distributor's order to any distributor having a franchise for the distribution and sale of malt beverages by such manufacturer, malt beverages covered by the franchise or contract. However, the refusal to deliver malt beverages shall not be considered a violation of this section if the refusal is due to failure of the distributor to pay the manufacturer pursuant to the contract, the distributor's insolvency, an act of God, work stoppage or delay due to a strike or labor difficulty, a bona fide shortage of materials, freight embargo or other cause over which the manufacturer, or any agent thereof, shall have no control;

(iii) To coerce or compel, or attempt to coerce or compel, a malt beverage distributor to enter into any agreement, whether written or oral, supplementary to an existing franchise with the manufacturer or officer, agent or other representative thereof, by threatening to cancel any franchise or any contractual agreement existing between the manufacturer and distributor. However, notice in good faith by a manufacturer to a malt beverage distributor of the distributor's violation or breach of any terms or provisions of a franchise or contractual agreement shall not constitute a violation of this act if the notice is in writing, is mailed by registered or certified mail to the distributor at his current business address, and contains the specific facts of the distributor's alleged violation or breach of the franchise or contractual agreement;

(iv) To terminate, cancel, fail to renew or refuse to continue the franchise of any distributor without good cause, as defined in this act. The nonrenewal of a franchise or selling agreement without good cause shall constitute an unfair termination or cancellation, regardless of the specified time period of the franchise or selling agreement;

(v) To discriminate, either directly or indirectly, in price, programs or terms of sale offered to franchisees, where the effect of the discrimination may be to substantially lessen competition among distributors or to give to one (1) holder of a franchise any competitive advantage over other holders of the same or similar franchise;

(vi) To prevent or attempt to prevent, by contract or otherwise, any malt beverage distributor from changing the capital structure of his distributorship or the means by or through which he finances the operation of his distributorship;

(vii) To require a malt beverage distributor to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this act. However, nothing in this section shall be construed to limit or prohibit good faith dispute settlements entered into by the parties;

(viii) To restrict or inhibit, directly or indirectly, the right of free association among manufacturers or distributors of malt beverage for any lawful purpose;

(ix) To fix or maintain the price at which a distributor may resell malt beverages;

(x) To coerce, or attempt to coerce, any distributor to accept delivery of any malt beverage or other commodity ordered by a distributor if the order was properly canceled by the distributor in accordance with the reasonable procedures of the manufacturer;

(xi) To change a distributor's quota of a brand or brands, if the change is not made in good faith;

(xii) To require a distributor, by any means, to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a manufacturer;

(xiii) To take any retaliatory action against a distributor that files a complaint regarding an alleged violation by the manufacturer of state or federal law or an administrative rule;

(xiv) To require or prohibit without good cause any change in the manager or successor manager of any distributor who has been approved by the manufacturer as of the effective date of this act. Should a distributor change an approved manager or successor manager, a manufacturer shall not require or prohibit the change unless the person fails to meet the reasonable standards for similarly situated distributors of the manufacturer;

(xv) To sell or supply any brand or brand extension of malt beverages in this state to a licensed wholesaler other than the licensed wholesaler designated as the exclusive wholesaler for a specific territory for such brand or brand extension by the supplier in a written agreement, except that nothing in this paragraph shall prohibit a supplier from providing malt beverages to consumers in an

area on such supplier's premises designated as a hospitality area, or from participating in consumer sampling or taste testing programs of brands of malt beverages not sold to licensed wholesalers in this state, or from otherwise operating as permitted by law;

(xvi) To require for any reason that a wholesaler purchase one (1) or more brands of malt beverages in order for the wholesaler to purchase another brand or brands of malt beverages.

(b) It shall be a violation of this act for a distributor, partner, shareholder or officer or agent thereof to have the right to sell, transfer or assign the management or control ownership of greater than ten percent (10%) of a distributorship without the written consent of the manufacturer, except that the consent shall not be unreasonably withheld. No manufacturer shall unreasonably withhold or delay its approval of any assignment, sale or transfer of the stock of a distributor or of all or any portion of a distributor's assets, distributor's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling a distributor, including the distributor's rights and obligations under the terms of an agreement, whenever the person to be substituted meets reasonable qualifications. For purposes of this subsection, "unreasonably withhold or delay" means a period in excess of ninety (90) days after receipt by the manufacturer of all information reasonably required from the wholesaler and purchaser. Upon the death or disability of one (1) of the officers, partners or stockholder of greater than ten percent (10%) ownership of a corporate distributorship operating the business of a distributor, no manufacturer shall deny the surviving officers, partners of the partnership or stockholders of the distributorship, the right to become a successor-in-interest to the agreement between the manufacturer and the distributorship, provided that the survivor has been active in the management of the distributor's business and is otherwise capable of carrying on the business of the distributorship. However, upon the death of a distributor, no manufacturer shall deny approval for any transfer of ownership to a designated member of the family of an owner of a distributorship, provided, that the subsequent transfer of ownership by the designated member shall thereafter be subject to the provisions of this subsection.

12-9-105. Distributor's resignation; cancellation; termination; failure to renew; refusal to continue.

(a) Notwithstanding any agreement and except as otherwise provided for in this act, a manufacturer shall not cause a distributor to resign from an agreement, or cancel, terminate, fail to renew or refuse to continue under an agreement unless the manufacturer has:

(i) Satisfied the applicable notice requirements of W.S. 12-9-108;

(ii) Acted in good faith; and

(iii) Good cause for the cancellation, termination, nonrenewal, discontinuance or forced resignation.

12-9-106. Good cause for terminating agreement; rights to cure.

(a) Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under W.S. 12-9-105(a)(iii) when all of the following occur:

(i) There is a failure by the distributor to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the distributor and the manufacturer;

(ii) The manufacturer first acquired knowledge of the failure described in paragraph (i) of this subsection not more than two (2) years before the date notification was given pursuant to W.S. 12-9-105(a)(i);

(iii) The distributor was given written notice by the manufacturer of failure to comply with the agreement;

(iv) The distributor was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits provided for in paragraph (v) of this subsection; and

(v) The distributor has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure the noncompliance in accordance with the plan and has not cured the noncompliance within that time in accordance with the plan.

(b) Good cause shall exist for the purposes of termination, cancellation, nonrenewal or discontinuance under W.S. 12-9-105(a)(iii) when there occurs a violation of W.S. 12-9-109(a).

12-9-107. Burden of proof.

For each termination, cancellation, nonrenewal or discontinuance, the manufacturer shall have the burden of showing that it has acted in good faith, that the notice requirements and rights to cure under this act have been complied with and that there was good cause for the termination, cancellation, nonrenewal or discontinuance.

12-9-108. Notice for terminating an agreement.

(a) Notwithstanding any agreement and except as otherwise provided in this act, the manufacturer shall furnish written notice of the termination, cancellation, nonrenewal or discontinuance of an agreement to the distributor not less than thirty (30) days before the effective date of the termination, cancellation, nonrenewal or discontinuance. In no event shall the contractual term of any agreement expire, without the written consent of the malt beverage distributor involved, prior to the expiration of at least thirty (30) days following the written notice. The notice shall be by certified mail and shall contain the following:

(i) A statement of intention to terminate, cancel, not renew or discontinue the agreement;

(ii) A statement of the reason for the termination, cancellation, nonrenewal or discontinuance; and

(iii) The date on which the termination, cancellation, nonrenewal or discontinuance takes effect.

12-9-109. Conditions and notice required.

(a) Notwithstanding W.S. 12-9-105 and 12-9-106, a manufacturer may immediately terminate, cancel, fail to renew, or discontinue an agreement if any of the following occur:

(i) Insolvency of the distributor, the filing of any petition by or against the distributor under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler which materially affects the distributor's ability to remain in business;

(ii) Revocation of the distributor's license whereby the distributor cannot distribute malt beverages for more than sixty (60) days;

(iii) The distributor or an individual who owns more than ten percent (10%) of the stock of a corporate distributor has been convicted of a felony. As used in this paragraph, "felony" means a felony under the United States Code or laws of this state. However, an existing stockholder shall have the right to purchase the stock of the offending stockholder, and, if the sale is completed within the thirty (30) day period, the provisions of this paragraph shall not apply. Any such purchase shall be subject to W.S. 12-9-104(a)(viii);

(iv) The distributor intentionally sells the supplier's products to a retailer or retailers outside that distributor's assigned territory;

(v) The distributor commits fraud as defined by W.S. 12-9-102(a)(viii) in his dealings with the manufacturer.

12-9-110. Discontinuance of production or distribution.

Notwithstanding W.S. 12-9-105, 12-9-108 and 12-9-109, a manufacturer may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution throughout this state of all the brands sold by the manufacturer to the distributor. Nothing in this act shall prohibit a manufacturer, upon not less than thirty (30) days notice, to completely discontinue the distribution throughout this state of any particular brand or package of malt beverage. This section does not prohibit a manufacturer from conducting test marketing of a new brand of malt beverage or from conducting the test marketing of a brand of malt beverage which is not

currently being sold in this state, provided that the manufacturer has notified the division in writing of its plans to test market. The notice shall describe the market area in which the test shall be conducted, the name or names of the distributors who will be selling the malt beverage, the name or names of the brand of malt beverage being tested, and the period of time during which the testing will take place. A market testing period shall not exceed eighteen (18) months.

12-9-111. Effort required by distributor.

The distributor shall devote such efforts and resources to sales and distribution of all the manufacturer's products which the distributor has been granted the right to sell and distribute as reasonably required by the agreement between the manufacturer and distributor.

12-9-112. Waiver prohibited.

A distributor shall not waive any of the rights granted in any provision of this act. Nothing in this act shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

12-9-113. Agreement subject to act.

The provisions of this act shall apply to all agreements between a manufacturer and distributor entered into on or after the effective date of this act.

12-9-114. Agreements binding on successor.

A successor to a manufacturer that continues in business as a manufacturer shall be bound by all terms and conditions of each agreement of the manufacturer in effect on the date of succession.

12-9-115. Reasonable compensation.

(a) In the event that a distributor is terminated by a manufacturer in bad faith or for other than good cause, the distributor shall be entitled to additional compensation from the manufacturer for:

(i) The fair market value of any and all assets, including ancillary business assets of the distributor used in distributing the manufacturer's products;

(ii) The good will of the business.

(b) The total compensation to be paid by the manufacturer to the distributor shall be reduced by any sum received by the distributor from sale of assets of the business used in distribution of the manufacturer's products as well as by whatever value such assets may have to the distributor that are unrelated to the manufacturer's products.

(c) As used in this section, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy when each possesses all information relevant to the transaction.

(d) In the event the manufacturer and the malt beverage distributor are unable to mutually agree on the reasonable compensation to be paid for the value of the distributor's business, as defined herein, the matter may by agreement of the parties be submitted to arbitration. If so submitted, the following shall apply:

(i) Arbitration shall proceed only if all parties agree in advance and submit the dispute to arbitration, and the decision of the arbitrators shall be final and binding if so agreed upon by the parties in advance of the arbitrator's proceedings;

(ii) The dispute shall be submitted to a panel of three (3) arbitrators, one (1) of which shall be selected by the supplier within thirty (30) days after the parties have agreed to arbitrate, one (1) of which shall be selected by the wholesaler within thirty (30) days after the parties have agreed to arbitrate, and one (1) of which shall be selected from a list of five (5) candidates supplied by the American Arbitration Association at the request of the parties within ten (10) days after the parties have agreed to submit the dispute to arbitration;

(iii) Within ten (10) days after receipt of the list supplied pursuant to paragraph (ii) of this subsection, the wholesaler and the supplier each may disqualify up to two (2) candidates from the list. The American Arbitration Association shall select the third arbitrator from the candidates not disqualified by the parties;

(iv) The arbitration shall proceed in accordance with the rules of the American Arbitration Association within thirty (30) days after the selection of the arbitration panel has been completed;

(v) The cost of the arbitration shall be borne equally by the parties. The award of a majority of the arbitrators shall be final and binding on the parties if so agreed upon in advance by the parties. The arbitrators shall not be permitted to award punitive damages and are bound to apply the terms and provisions of the agreement not in conflict with this act.

12-9-116. Remedies.

(a) During the thirty (30) day period provided in W.S. 12-9-108, either party, in appropriate circumstances, may bring an action in the appropriate court of this state pending a final determination of the proceedings on the merits.

(b) In any action brought under this act, the court shall have authority to grant temporary, preliminary and final injunctive relief.

(c) In addition to temporary, preliminary or final injunctive relief, any manufacturer or distributor who shall be aggrieved or

injured in his business or property by reason of anything forbidden in this act may bring an action in the appropriate court of this state and may recover the damages sustained and the costs of the action, including a reasonable attorney's fee.

(d) In addition to any other remedy or relief to which a person is entitled, a distributor or manufacturer aggrieved by a violation of this act may bring an action to obtain a declaratory judgment that an act, action or practice violates this act and to enjoin a manufacturer or distributor who has violated, is violating or is otherwise likely to violate this act.

(e) In an action for money damages, if a judge or jury finds that the defendant acted maliciously, the judge or jury may award punitive damages as permitted by Wyoming law.

(f) The remedies provided in this section shall be in addition to any other remedies provided by law or in equity.

12-9-117. Contracts and the validity thereof.

No manufacturer shall effect any sale to a distributor in Wyoming except pursuant to a written contract between the manufacturer and the distributor.

12-9-118. Repurchase of inventory upon termination.

(a) Whenever any malt beverage distributor enters into a franchise agreement with a manufacturer in which the distributor agrees to maintain an inventory of malt beverages and the franchise is subsequently terminated, the manufacturer shall repurchase the inventory as provided in this act. If the distributor has any outstanding debts to the manufacturer, then the repurchase amount may be credited to the distributor's account.

(b) The manufacturer shall repurchase that inventory previously purchased from him and held by the distributor on the date of termination of the contract. The manufacturer shall pay one hundred percent (100%) of the distributor's laid-in cost, payable when the product is returned to the manufacturer free and clear of all liens, claims and charges created or permitted by the distributor.

(c) Upon payment of the repurchase amount to the distributor, the title and right of possession to the repurchased inventory shall be transferred to the manufacturer.

(d) A distributor shall not keep any inventory except with the consent of the manufacturer and the distributor's agreement that such product will be maintained and sold in accordance with the manufacturer's product handling standards.

(e) If any manufacturer shall fail or refuse to repurchase any inventory covered under the provisions of this act within sixty (60) days after termination of a distributor's contract, he shall be civilly liable for one hundred percent (100%) of the current wholesale

price of the inventory plus any freight charges paid by the distributor, the distributor's reasonable attorney's fees, court costs and interest on the current wholesale price computed at the legal interest rate.

12-9-119. Indemnification.

A manufacturer shall fully indemnify and hold harmless its distributor against any losses, including, but not limited to, court costs and reasonable attorney's fees or damages arising out of complaints, claims or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation or express or implied warranty if the complaint, claim or lawsuit relates to a product liability claim pertaining to the manufacturing of a malt beverage product.

CHAPTER 10
MISCELLANEOUS

12-10-101. Possessing, purchasing or selling an alcohol without liquid device prohibited; exception; definition; penalties.

(a) Except as provided in subsection (b) of this section, no person shall possess, purchase, sell or offer to sell an alcohol without liquid device.

(b) This section shall not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research or to a pharmaceutical company or biotechnology company conducting bona fide research.

(c) Any person who violates subsection (a) of this section is guilty of a misdemeanor punishable by a fine of up to two hundred fifty dollars (\$250.00) for the first offense and not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both, for second and subsequent offenses.

(d) Except as provided in subsection (b) of this section, any alcohol without liquid device found in Wyoming shall be confiscated and, after an opportunity for a hearing in a court of competent jurisdiction on the issue of whether the device is an alcohol without liquid device, shall be destroyed. The destruction of the device may be delayed if the device is needed for evidence in a criminal case.

(e) As used in this section "alcohol without liquid device" means a device, machine, apparatus or appliance that mixes alcoholic liquor with pure or diluted oxygen to produce an alcohol vapor that an individual can inhale. An alcohol without liquid device does not include an inhaler, nebulizer, atomizer or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication.

12-10-102. Homemade beverage tastings.

(a) In addition to any other privilege granted to a licensee under this title, a licensee may conduct an organized judging, tasting, exhibition, contest or competition of homemade beers, meads, wines or fermented fruit juices, or related events, at the premises or location where the licensee may legally serve alcoholic beverages. Nothing in this subsection shall be deemed to authorize any homemade beer, mead, wine or fermented fruit juice to be packaged or otherwise provided for consumption outside of the premises where the judging, tasting, exhibition, contest, competition or related event is occurring. The local licensing authority may restrict the portion of the premises that may be used for the judging, tasting, exhibition, contest, competition or related event. Homemade beers, meads, wines or fermented fruit juices provided at an event under this subsection shall not be provided for financial consideration.

(b) A licensee shall not acquire any ownership interest in homemade beers, meads, wines or fermented fruit juices stored for any period to be provided at an event under this section. The homemade beers, meads, wines and fermented fruit juices stored for the event shall be clearly identified and shall be kept separate from the alcoholic and malt beverage stock of the licensee. Nothing in this subsection shall prohibit a licensee from using homemade beers, meads, wines and fermented juices in conducting an organized event under subsection (a) of this section.

(c) As used in this section:

(i) "Financial consideration" means value that is given or received directly or indirectly through sales, fees, charges, dues, contributions or donations. "Financial consideration" shall not include:

(A) A tax deduction or credit for donating beer, mead, wine or fermented fruit juice to a nonprofit organization;

(B) An event admission charge, cover charge or club or organization dues, if the amount of the charge or dues is independent of the amount of beer, mead, wine or fermented fruit juice to be provided or consumed at the event or through club or organization activities;

(C) A prize awarded at a state or county fair or other organized judging, tasting, exhibition, contest or competition event at which consumption of a submitted beer, mead, wine or fermented fruit juice is offered without charge and only by the entrants, judges, exhibitors, contestants or competitors;

(D) The receipt of homemade beer, mead, wine or fermented fruit juice manufactured by another person;

(E) The receipt of beer, mead, wine or fermented fruit juice ingredients;

(F) Wages and salaries paid by an educational organization for teaching brewing, winemaking, fermentation science or fermentation processes.

(ii) "Homemade" means made for noncommercial purposes;

(iii) "Noncommercial" means not sold, offered for sale or otherwise conditioned upon the provision or receipt of financial consideration.

Excerpts from WY Liquor Statutes Title 12 for Restaurant Liquor Licenses

Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. §12-4-410 (a)

Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be serve. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing room. §12-4-410 (b)

The definition of a dispensing “room” means an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling. §12-2-101 (a) (xv)

All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the same time as food sales and services cease. §12-4-410 (b)

No restaurant liquor licensee shall promote the restaurant as a bar and lounge nor shall the licensee compete with a retail liquor licensee in activities other than dinner functions, including, but not limited to, dances, receptions and other social gatherings. §12-4-410 (d)

Each licensee shall display the license in a conspicuous place in the licensed room. §12-4-702 (c)

"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. "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. § 12-1-101 (xiv)

A restaurant liquor licensee shall satisfy the appropriate licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic or malt beverages. §12-4-408 (a) When renewing a restaurant liquor license, the appropriate licensing authority shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed restaurant be derived from food services. §12-4-408 (b)

Local Licensing Authority

Cities and towns as designated as local licensing authorities pursuant to §12-1-101 (a)(ix). The Town may issue liquor licenses and permits as provided by §§12-4-101 through 12-4-505. Cities and towns may also have local ordinances, resolutions or policies for certain licensing and permitting conditions in addition to Wyoming State Statutes – Title 12. Local licensing authorities and the Regulatory Section of the Wyoming Liquor Division share a dual responsibility in ensuring licensees are in compliance with state and local liquor laws, within their respective jurisdictions.

A “retail” type liquor license allows for “direct” sales to patrons and customers in a lounge/bar environment. Package store and drive-up window areas (sales for off-premise consumption) are also authorized for this type of license.

A “restaurant” type liquor license allows for sales to patrons and customers only in approved and designated dining areas. All liquor is dispensed from a “dispensing room” and served by wait staff to patrons at tables or booths in conjunction with food service. All sales of alcoholic liquors and malt beverages must cease at the time food sales and services cease.

A memo dated February 19, 1993 from the Mayor and Town Council to All Restaurant Liquor License Holders regarding the issue of “Promotion as a Bar” is given to each new restaurant liquor license applicant in their application packet. This memo clarifies the Town of Jackson interpretation of Wyoming State Statute 12-4-410 (Title 12).

Wyoming Alcohol Beverage Control Laws Answers to Frequently Asked Questions

Question: What is the legal age to consume alcoholic beverages in Wyoming?

Answer: 21 years of age.

Question: What is the legal age to sell alcohol in a package or convenience store?

Answer: 21 years of age.

Question: What is the legal age to work in a bar or lounge?

Answer: 21 years of age to work in a bar or lounge in any capacity (bartender, wait staff, host/hostess, musician in band, exotic dancer, etc.).

Question: What is the legal age to serve alcohol?

Answer: At least 21 years of age to serve in a licensed dispensing room (bar/lounge); at least 18 years of age in dining areas only.

Question: Can someone under the age of 18 enter or remain in a room where alcohol is sold?

Answer: If a package store: A person 18 years of age or younger may enter and remain in a room where alcohol is sold only if accompanied by their parent or guardian. In a bar/lounge: If used as a dining or waiting area and with the approval of the local licensing authority, a person 18 years of age or younger may enter and remain if accompanied by an adult 21 years of age and only till 10:00 p.m.

Question: What are the acceptable forms of identification to purchase alcohol?

Answer: A motor vehicle driver's license, military identification card, selective service registration card, passport or an identification card issued by the Wyoming Department of Transportation are all acceptable forms of identification.

Question: What hours can a liquor establishment be open?

Answer: Hours are set by the local licensing authority. However, state law does not allow liquor establishments to open the dispensing room before 6:00 a.m. and requires the dispensing room to close and cease the sale of both alcohol and malt beverages by 2:00 a.m.

Question: Is alcohol server training mandatory in Wyoming?

Answer: No, server training is not currently mandatory in Wyoming. However, the Liquor Division has a TIPS and P.O.S.T. certified instructor that provides alcohol server training upon request from retailers or local authorities. Many retailers have taken advantage of this training opportunity and the division actively encourages participation.

Question: What is the legal limit for driving while intoxicated?

Answer: As of July 1, 2002 the legal limit for driving while intoxicated is .08% BAC.

Question: Does state law regulate Happy Hours at retail establishments?

Answer: State law does not regulate Happy Hours, however, the local licensing authorities may choose to place restrictions on them.

Question: What types of liquor licenses are available in Wyoming?

Answer: Full Retail which allows both on/off premise sales. Restaurant which allows on-premise sales only. Alcohol is to be served in dining areas only and 60% of gross sales must come from food sales. Limited Retail is an on-premise license for private clubs (i.e.: Elks, Moose, VFW and golf clubs). Clubs are allowed to serve only to members and accompanied guests. Resort is for on-premise sales only. To qualify for a resort license the resort complex must have a valuation of at least \$1,000,000.00 excluding the value of the land. It must have a restaurant and convention facility, and the convention facility must seat no less than 100 persons. The resort complex must also have motel/hotel facilities with a minimum of 100 sleeping rooms. County Malt Beverage Permits are available for locations 5 miles outside the boundaries of an incorporated city/town. This permit allows for on and off premise sales of malt beverage products only. Microbrewery/Winery Permits allow the permit holder to brew malt beverages or manufacture wine. Both of these permits allow for on-premise and limited off-premise sales for personal consumption.

Question: Are liquor licenses issued by the state of Wyoming?

Answer: No, liquor licenses are issued by local licensing authorities. For locations inside the boundaries of an incorporated city/town, the City/Town Council approve or deny licenses. For locations outside an incorporated city/town, the Board of County Commissioners for that county approve or deny licenses. However, the Liquor Division is mandated to review all liquor license applications for state law compliance before a local authority approves or denies.

Question: Must someone be a resident of Wyoming to hold a liquor license/permit?

Answer: Yes, if the license/permit is to be held by an individual or a partnership. No if the license/permit is to be held by a corporation, limited liability company, limited partnership or a limited liability partnership, however, these entities must be qualified to do business in Wyoming through the Secretary of State's office.

Question: Can someone operate under a liquor license issued to someone else if there is a management agreement between them?

Answer: No. The use of management agreements by licensees to let someone operate an establishment under their liquor license is in violation of state law (W.S. 12-4-601). A liquor license may only be assigned or transferred by a sale made in good faith and with the approval of the local licensing authority.

Question: Is there a maximum number of Full-Retail liquor licenses that can be issued?

Answer: Yes, the maximum number of full-retail liquor licenses that a local licensing authority may issue is based upon a population formula set in state law (W.S. 12-4-201(d)).

Question: Can liquor licensees buy alcohol for resale from anywhere?

Answer: No, Wyoming is a control state for alcohol. The Liquor Division is the exclusive wholesale distributor and seller of alcoholic liquor, excluding malt beverages, within Wyoming. Purchasing alcoholic liquors for resale from any source other than the Liquor Division is a violation of state law and may result in the revocation of the liquor license. An exception exists, however, which allows retailers to purchase wine, not listed by the Liquor Division, directly from a licensed out-of-state shipper.

Question: Can consumers in Wyoming buy alcoholic liquors or malt beverages over the Internet or belong to a Beer, Spirits or Wine of the Month Club and have these products shipped directly to their homes?

Answer: As of July 1, 2001, consumers in Wyoming may belong to wine-of-the-month clubs or purchase only wine products from a licensed out-of-state shipper, in quantities not to exceed 18 liters per household per year per licensed vendor. Direct shipment of spirits and malt beverage products is expressly prohibited.

Question: Can retailers order wine directly from licensed out of state shippers?

Answer: Yes, in unlimited quantities as long as the wine is not listed by the Liquor Division.

Question: Can retailers place orders with the Liquor Division over the Internet?

Answer: Yes, eLiquor, the online ordering application, is now available to licensed retailers. Retailers should contact the Liquor Division for details.

Question: How does the Liquor Division decide what products to regularly list for sale to retailers?

Answer: Products are presented to the Liquor Division by licensed sales representatives domiciled in Wyoming who represent manufacturers. Demand, mix of products, price and availability are some of the criteria used by the Liquor Division in the selection process. Any product with sufficient retailer support can be immediately listed with the Division.

Question: What if a retailer wants a product the state does not list?

Answer: Any product imported into the United States can be special ordered through the Liquor Division by the retailer. It will, however, take longer to deliver to the specially ordered product to the retailer. Products kept in inventory can be delivered the next day to the retailer. The average time to delivery a special ordered product to the retailer is 32 days. This time is needed to pool the special order product with other product so freight cost can be kept to a minimum.

Question: Whom do I contact if my question has not been answered?

Answer: Wyoming Department of Revenue, Liquor Division; 1520 East 5th Street, Cheyenne, WY 82002; (307) 777-7233; Fax (307) 777-6255.

WYOMING DEPARTMENT OF REVENUE

CHAPTER 20

LIQUOR DIVISION METHODOLOGY

Section 1. Authority.

These rules and regulations are promulgated under the authority of W.S. 12-2-301 and 16-3-102.

Section 2. Purpose.

These rules are adopted to provide orderly licensing procedures, regulation of licensees, a fair and efficient procedure for administrative hearings and for information practices.

Section 3. Interpretation.

The Liquor Division is solely responsible for providing official interpretation of these rules in cases of apparent internal conflicts between rules, or when questions arise about their application to specific situations, procedures or policies.

Section 4. Definitions.

- (a.) "Alcoholic beverages" means all types of alcoholic beverages containing over one half of one percent (.5%) alcohol by volume.
- (b.) "Department" means Department of Revenue.
- (c.) "Division" means Department of Revenue Liquor Division, formally known as the Wyoming Liquor Commission.

Section 5. Application and Qualifications for all Licenses and Permits.

- (a.) Each applicant for a license or permit issued by the Division, if an individual, must be domiciled in Wyoming and must certify:

That the applicant holds no interest directly or indirectly in any retail license or permit issued by authority of the Wyoming Alcoholic Beverage Statutes, W.S. 12-1-101, et seq.

Whether or not the applicant has been convicted of a felony or a violation of federal or state statutes relating to the sale or manufacture of

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alcoholic beverages in the ten (10) years preceding the filing of the application.

That the applicant has attained the age of eighteen (18) years.

- (b.) When the applicant is a partnership, each member shall sign and verify the application. If the applicant is a corporation, limited liability company (LLC), limited partnership or limited liability partnership, the application must state that the applicant is qualified and in good standing under the laws of Wyoming and must show the full names and residence addresses of all the officers and directors and of all shareholders owning jointly or severally ten percent (10%) of the stock of the corporation.
- (c.) The Division reserves the right to refuse any application for a license or permit when issuance would be contrary to the public interest.

Section 6. Revocation and Suspension.

A license or permit issued by the Division may be suspended or revoked for violation of the Wyoming Alcoholic Beverage Statutes or for violation of the Rules and Regulations of the Division. Revocation or suspension proceedings shall be conducted in accordance with the provisions as contained in W.S. 16-3-101 through 16-3-115 and in Section 12 of these rules.

Section 7. Suspension or Revocation of License.

Upon suspension or revocation of a license, the Division shall determine disposition of all remaining inventory of the licensee in accordance with W.S. 12-7-201(e).

Section 8. Representative Licenses and Standards of Business.

- (a.) Representative License. All distillery, brewery and winery vendors' agents, salesmen, solicitors, brokers, sales consultants, and representatives shall be licensed with the Division in accordance with the provisions of these rules. No individual shall act as an agent, salesman, broker, sales consultant, or solicitor for any vendor in promoting the sales of a vendor's products in Wyoming unless he has been properly licensed.
- (b.) License Fee. The fee for a class A, class B, or class C representative's license, as set by the division, shall be payable at the time of application to the Liquor Division, at 1520 East 5th Street, Cheyenne, Wyoming 82002.
- (c.) Duration of License. A representative's license shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall

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expire on June 30 of each year. 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.

(d.) Verification of Employment. Application for a class A representative license shall be accompanied by a written statement from the vendor(s) whose products the applicant proposes to represent. The vendor's statement shall verify the applicant's employment or contractual arrangement, and shall contain a request that the applicant be licensed to represent its particular brand or brands in Wyoming. Application for a class B representative license shall be accompanied by a written statement from a class A representative. The statement from the class A representative shall verify the applicant's employment or contractual arrangement, and shall contain a request that the applicant be licensed to represent products represented by the class A representative. Application for a class C representative license shall be accompanied by a written statement from a class A representative indicating the event for which the class C representative shall be licensed.

(e.) Privileges of Licensed Representatives. Class A representative shall be responsible for the presentation of products, to the division, for listing and delisting per policies established by the division. Properly licensed class A or class B representatives may advertise and promote the sale of vendors' products and shall be permitted to call upon liquor licensees to insure product identification, advance notice of new listings, delistings, product changes, and other pertinent information. Licensed representatives shall not be permitted to place liquor orders from retail licensees with the Division.

(f.) Representation. All vendors shall notify the Division, in writing, upon the employment or termination of any class A representative promoting the sale of its products within Wyoming. A representative may represent more than one company. All class A representatives shall notify the division, in writing, upon the employment or termination of any class B representatives promoting the sale of assigned products within Wyoming.

(g.) Sampling.

Definition: Sampling is defined as displaying to a licensed retailer the smallest quantity available for the buyer to determine the quality of the product offered.

Sampling Rules:

Provided that all applicable state and federal laws, rules, and regulations pertaining to the shipment of alcoholic beverages into Wyoming are strictly adhered to, samples are not prohibited.

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A class A or class B industry representative may furnish or give a sample of an alcoholic beverage to a licensee, his agents or employees, who have not previously purchased the brand from that industry representative. For each retail establishment, such samples are limited as follows: the industry representative may give not more than 3 gallons of any brand of malt beverage, not more than 500 milliliters of any brand of distilled spirits, and not more than 3 liters of any brand of wine. If a particular product is not available in a size within the quantity limitations of this section, an industry representative may furnish to a retailer the next larger size. If a licensee, their agents or employees have previously purchased a product, an industry representative may not furnish any samples.

The use of samples shall not be abused by the distribution of unopened bottles or cases to the retail licensee in the form of a bonus of free goods or an inducement for future purchases.

The seal on all sample bottles shall be broken at the time of sampling.

Class A and class B representatives may be permitted to purchase samples from the Division. The Division shall establish limits, policies, and procedures for the individual purchase of sample products.

(h.) Advertising, Display and Promotional Materials.

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.

No advertisement of alcoholic beverages should:

Contain a statement, design, device, or representation which is obscene or indecent.

Contain a statement, design, or device representing that the use of the product has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

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.

Contain any statement which is disparaging of a competitor's products, false, or misleading in any material way.

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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.

- (i.) Private Labels. The use of private or personal labels on any alcoholic beverage container offered for sale or use in Wyoming is not prohibited provided all private and personal labels have received approval from the Alcohol and Tobacco Tax and Trade Bureau (TTB). Documentation of TTB approval shall be provided to the Division prior to any alcoholic beverage container with a private or personal label attached being offered for sale or use in Wyoming.
- (j.) Special Orders. Orders for merchandise not carried in inventory by the Division are permitted by written request from the retailer.
- (k.) General Business Practices. The division shall maintain written policies and procedures necessary to conduct the day to day business of a wholesale operation. Parties affected by a policy may receive a copy by submitting a written request to the division.
- (l.) Minimum Purchase Requirement. W.S.12-4-103(c) requires a minimum purchase requirement within the prior one year term to be eligible for renewal. For any retail license which may have less than a one year prior term, the minimum requirement shall be prorated to match the actual prior term of the retail license being renewed.
- (m.) Application Reviews. Pursuant to W.S.12-4-104(d), applications filed with the local licensing authority shall be forwarded by the local licensing authority to the division and the division shall review each such application and certify the same as complete when appropriate. The local licensing authority shall be responsible for ensuring the application contains correct information.
- (n.) 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 liquor licensee or permittee and approved by the Director.

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.

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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.

Section 10. Rectifier's License To Manufacture And Bottle Alcoholic Beverages

- (a.) License May Be Granted. A license may be granted by the Division for the manufacture and bottling of alcoholic beverages. Distilled spirits and wines shall be sold by the licensee exclusively to the Division, and malt beverages shall be sold to licensed malt beverage wholesalers. Alcoholic beverages shall be sold to

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no other person, firm, partnership, limited liability company, limited partnership, limited liability partnership or corporation within this state, nor shall any retail sales or deliveries be made by the licensee. Sales to out-of-state purchasers are permitted.

- (b.) Annual License Fee. The annual fee for such license is set by statute with the privilege of renewal from year to year unless otherwise revoked or suspended for cause. All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.
- (c.) Applicant to Comply with Applicable Federal and State Requirements. Applicants shall comply with all applicable federal statutes and regulations as well as the Wyoming Alcoholic Beverage Statutes, Rules and Regulations.

Section 11. Commercial Importation And Storage Of Alcoholic Beverages.

- (a.) License Required. No person, partnership, limited liability company, or corporation shall be allowed to import alcoholic beverages, other than malt beverages, into Wyoming and store them within the state unless a license shall have first been issued, except as otherwise provided by W.S. 12-3-101(d).
- (b.) License May be Granted. A license may be granted by the Division for the commercial importation and storage of alcoholic beverages in Wyoming to any qualified person, partnership, limited liability company, or corporation of this state. The alcoholic beverages, other than malt beverages, shall be sold by the licensee exclusively to the Division, and to no other person, firm, partnership, limited partnership, limited liability partnership or corporation within this state; nor shall any retail sales or deliveries be made by a licensee.
- (c.) Annual License Fee. The annual fee for the license is set by statute with the privilege of renewal from year to year unless otherwise revoked or suspended for cause.

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

- (d.) Applicant to Comply with Applicable Federal and State Requirements. Applicants shall comply with all applicable federal statutes and regulations as well as the Wyoming Alcoholic Beverage Statutes, Rules and Regulations.
- (e.) Duration of License. A license for the commercial importation and storage of alcoholic beverages in Wyoming shall be a personal privilege, good for one (1) year from date of approval by the Division unless sooner suspended or revoked.

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All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.

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

Any alcoholic beverages being stored by the licensee in Wyoming shall not be stored in any place other than that designated upon the application for license, unless written notification has been given to the administrator of the Division.

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.

The Division shall have the right to order the licensee to provide any purchase, shipping, or inventory information, and the right to enter and inspect any premises in which alcoholic beverages are being stored.

No licensee shall furnish, rent, give, or lend any money or anything of value to any owner, proprietor, licensee, agent, or employee of any retail liquor or malt beverage establishment.

No licensee shall furnish, rent, give, lend, or sell to any retailer at cost or below cost any equipment, fixtures, or supplies.

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 beverages into Wyoming, submit to the Division copies of all original invoices, shipping manifests, and bills of lading.

Section 12. Hearing Procedures.

- (a.) Purpose. These rules are established to provide a fair and efficient method for administrative hearings relative to suspension or revocation of licenses by the Division. These procedures may be utilized when a formal hearing is necessary for other purposes as well.
- (b.) Commencement of Action. Upon an appropriate showing of violation of Title 12 of Wyoming Statutes or the Rules of the Division, the Division may commence proceedings to suspend or revoke the license of the alleged offender.

In an Order to Show Cause, the Division shall notify the licensee of the:

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Time, place and nature of the hearing;

The legal authority and jurisdiction under which the hearing is to be held;

The particular sections of the statutes and rules involved; and

A short and plain statement of the violations alleged.

No answer is required, and at the hearing, the licensee may appear and show why his license should not be suspended or revoked.

- (c.) Time and Place of Hearing. The hearing may be held no less than twenty (20) days after service of the Order to Show Cause upon the licensee, so that the licensee may have adequate time for preparation. Upon motion and for good cause, the hearing may be postponed by the Division until a later date.

Hearings shall be conducted in Cheyenne, Wyoming, unless upon motion and for good cause shown the Division determines another location is preferable.

- (d.) Service. The Order to Show Cause shall be served personally or by mail, return receipt requested, addressed to the place of business of the licensee or permittee, or to the most recent residence address filed with the Division of a licensed representative.

- (e.) Hearing Officer. The Division shall designate a hearing officer to conduct the hearing.

The licensee may move to disqualify a hearing officer by filing written motion and supporting affidavits of personal bias with the Division. After careful consideration of the evidence presented, the director of the Department shall rule upon the motion.

Hearing officers may withdraw whenever they deem themselves disqualified because of personal bias or other substantial reason.

- (f.) Authority of Hearing Officers. Hearing officers have the authority in accordance with W.S. 16-3-112 to:

Administer oaths and affirmations;

Issue subpoenas;

Rule upon offers of proof and receive relevant evidence;

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Take or cause depositions to be taken in accordance with the provisions of the Administrative Procedure Act, W.S. 16-3-101 through 16-3-115;

Regulate the course of the hearing;

Hold conferences for the settlement or simplification of the issues;

Dispose of procedural requests or similar matters;

Make recommended decisions when directed to do so by the agency; and

Make any action authorized by agency rules, the Administrative Procedures Act, or the Alcoholic Beverage Statutes.

(g.) Counsel. All parties may appear at the hearing with or without counsel or other representative of their choice.

(h.) Inspection of File. Each party, or their authorized representative, shall be permitted to inspect and copy, at their own expense at the offices of the Division, all documents filed in the license suspension or revocation proceedings, and all documents regarding the subject of the hearing contained in the Division's files permitted by law to be inspected and copied.

(i.) Record of Proceedings. The hearing shall be reported verbatim, stenographically or by any other appropriate means determined by the Division or hearing officer. A copy will be furnished to any party upon written request to the Division and payment of a reasonable fee. If one or more parties desires the hearing transcribed by a certified court reporter, such parties must make the necessary arrangements and bear the cost. By agreement of the parties, court reporter fees and transcription charges may be shared.

(j.) Order of Procedure at Hearing. Hearings shall be conducted substantially as follows:

The hearing officer shall announce that the hearing is called to order and announce the matter to be heard, briefly summarizing the case and the issues.

The hearing officer shall take up any preliminary motions or matters to be discussed.

The Division may present a brief opening statement of the charges, explain the theory of the case and what the evidence will show.

The licensee may present his/her opening statement in the same manner.

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The Division shall then present the evidence of the Division, subject to cross examination by the licensee and the hearing officer.

The licensee shall present his/her evidence, subject to cross examination by the Division and the hearing officer. The Division may follow with rebuttal evidence.

Closing statements may be made at the conclusion of the evidence by both parties. These statements may include summaries of the evidence and legal arguments. The Division shall precede the licensee and may also briefly rebut licensee's closing statement.

The hearing officer may ask for proposed findings of fact and conclusions of law from both parties, to be submitted within a reasonable time.

After all proceedings have been concluded the hearing officer shall dismiss and excuse all witnesses not already excused and declare the hearing closed.

(k.) Decision of Department.

Within twenty (20) working days after completion, the hearing officer shall prepare proposed findings of fact and conclusions of law for submittal, along with the entire record as defined in W.S. 16-3-107(o), and the proposed findings of fact and conclusions of law from both parties, if any, to the director of the Department of Revenue. By agreement of all parties such period may be extended.

After receipt of the record, the Department of Revenue shall within twenty (20) working days enter a decision and final order containing findings of fact and conclusions of law, signed by the director of the Department. By agreement of all parties such period may be extended.

The licensee shall be promptly notified by mail of the final order.

- (l.) Appeals to District Court. Any licensee aggrieved or adversely affected by a final decision of the Department of Revenue after a hearing is entitled to judicial review in the appropriate district court pursuant to W.S. 16-3-114 and W.S. 12-7-201(d).

Section 13. Information Practices

- (a.) Pursuant to the Executive Order #9 issued by the Governor and as authorized by W.S. 16-4-201 et. sec. the Division is required to establish rules and regulations governing the information practices of this agency and to ensure

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security, confidentiality, and privacy in personal information systems. The following rules and regulations set forth the procedures whereby such information will be collected, maintained, and disseminated.

- (b.) Disclosure. Upon receipt of all records of personal information, the Division will in accordance with the statutes, determine and classify said information as "public records" or "confidential records";

Confidential records will not be available to those other than the individual to whom the record pertains or authorized Division employees unless the individual provides written consent for the Division to make the disclosure. The Division may disclose the contents of a confidential record without the individual's written consent if the disclosure is:

For a routine use of the record as when information is shared with another state agency to perform a statutory function.

To a recipient who has provided written assurance that the record will be solely for statistical research and that the record is to be transferred in a form that is not individually identifiable.

A transfer to the state archives as a record which warrants continued preservation.

To another governmental agency for civil or criminal law enforcement activity.

To any person on a clear showing of a compelling circumstance affecting the health or safety of an individual.

An order from a court of competent jurisdiction.

- (c.) Access. Any person shall have the right to physically handle and inspect the contents of a record that pertains to him/her. Original documents shall not be removed from the Division; however, the Division will make provisions for copying requested material for a charge that will cover the cost incurred by the Division for copying and compiling the requested information. Individuals requesting access to public records and to confidential records that pertain to them must do so in writing and in advance in order to allow the Division to collect the information. All requests for access will be responded to within ten (10) days after receipt of the request. When access to any record is denied by the Division, the custodian will inform the requester of the statutory or regulatory basis for the denial of access.

- (d.) Correction and Amendment. Any individual has the right to bring to the attention of the custodian any erroneous, inaccurate or misleading information

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that is contained in any file that he/she inspects. All modifications to a record shall then become a permanent part of that record.

- (e.) Maintenance of Records. When soliciting information from an individual, the division shall give the following notification on the form used to solicit the information or on a separate form:

The statutory or administrative authority or federal regulation that allows, the division to solicit such information.

The purpose and uses for which the information is sought.

The public or confidential classification of the solicited information.

The voluntary or mandatory status of the questions asked of individuals and the effects, if any, of not providing all solicited information.

Maintain any record that is used to make determinations about an individual with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual.

Not maintain any record on how an individual exercises their rights under the First Amendment of the U.S. Constitution.

Not maintain any system of records whose very existence is a secret from the public.

Establish physical safeguards and specific security policies for the protection of each system from burglary, misuse, or destruction.

Maintain all systems of personal information in a manner that is conducive to public inspection and access.

Maintain only that information about an individual necessary to accomplish the division's purpose as authorized by statute.

Collect information to the greatest extent possible directly from the individual who is the subject of the record.

- (f.) Mailing Lists. The Division maintains a mailing list of liquor licensees within Wyoming including the name and place of business. These business names and addresses are provided upon request to all interested individuals at a minimal charge.

Section 14. Chartered Transportation Services.

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(a.) Responsibilities.

Each applicant receiving a limited transportation license pursuant to W.S. 12- 2-202 shall:

Display license predominately in front window;

Ensure driver knows, understands, and adheres to all applicable liquor laws;

Ensure procedures are in place to prohibit persons under 21 years of age from obtaining alcohol.

In state chartered transportation services shall apply for the applicable license to the Liquor Division.

Chartered transportation services traveling through the state shall register and obtain a license at port of entry.

(b.) Definitions.

"dispensing room" for purposes of a chartered transportation vehicle, is defined as the interior space of the vehicle exclusive of the drivers area.

(c.) Fees.

The fee for a 24 hour license shall be \$25.00, payable to the Liquor Division.

The fee for a yearly license shall be \$250.00 payable to the Liquor Division.

Section 15. Minors.

Unless a statutory exception applies, any person employed in a dispensing room shall be at least 21 years of age.

Section 16. Direct Shippers

(a.) Out-of- State Shipper's License. No out-of-state shipper shall ship, package for shipment or facilitate in any way the shipment of manufactured wine by a third party or common carrier to any person, household or licensed retailer in this state until the Division properly licenses such shipper.

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- (b.) License Fee. The fee for an out-of-state shipper, as set by statute, shall be payable at the time of the application to the Liquor Division at 1520 E. 5th Street, Cheyenne, WY 82002.
- (c.) Duration of License. An out-of-state shipper's license shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall expire on June 30 of each year. All applications and fees for renewal of licenses shall be filed with the Division forty-five (45) days prior to the date of expiration.
- (d.) Shipments to Retailers. Out-of-state shippers are prohibited from shipping wine listed by the Division directly to licensed retailers. Licensed retailers are prohibited from receiving shipments of wine listed by the Division directly from out-of-state shippers.
- (e.) Monthly Reports. Out-of-state shippers shall use the official tax report format the Division requires. 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 17. Alcohol Server Training Program

- (a) Each program shall meet or exceed the minimum curriculum standards to obtain an annual certification from the Liquor Division. Each program shall make application to the Liquor Division on a form provided by the Liquor Division with a copy of the course curriculum, qualifications and testing procedures. All applicants for certification will also submit a current roster of qualified course instructors and, standards and procedures to certify course instructors, such as required by the TIPS, Bar Code or TAMS alcohol server training courses or other similar programs. All 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.
- (b) Prior to administering instruction in any certified program, providers shall submit a copy of a certificate of qualification to instruct their associated alcohol server training program.
- (c) Provider certification shall meet or exceed the following minimum qualifications:
 - (i) Successfully complete a minimum 12-hour trainer workshop conducted by a certified instructor to become an alcohol server training program provider.

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- (ii) Successfully complete a written examination at the end of the workshop by achieving a score of at least seventy percent (70%).
- (iii) Conduct an alcohol server training class within four (4) months of completing trainer workshop or co-train an alcohol server training class with a certified trainer within twelve (12) months of completing trainer workshop.
- (iv) Instructor certification shall be good for a period of one (1) year after which they will have to recertify with that programs recertification procedures.

(d) 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 setting
- (vi) Strategies for dealing with problem situations
- (vii) Proper methods for checking identification and how to spot false or altered identification

(e) Training 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) Role playing allowing each participant an opportunity to practice new skills by interaction with other participants and/or provider in creation of “real-life” situations

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- (vi) A minimum of four (4) hours instructional time
 - (vii) Servers will be certified upon completion of course by passing a comprehensive written examination achieving a score of at least seventy (70) percent. The certification will be for a period of not less than three (3) years.
- (f) The Division may suspend, revoke or not renew 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.

Section 18. Transportation of a Resealed Bottle of Wine from a Restaurant Liquor License.

As provided in W.S. 12-4-410(e) a restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premise consumption provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. The bottle of wine must be resealed with the original cap, recorked in such a manner as to require a cork removal device, or any other means to securely seal the bottle. The recapped, recorked, or resealed bottle must then be placed in a tamper proof transparent bag, securely sealed by either stapling, taping, or any other means of sealing the bag in such a manner that the bottle cannot be removed without obvious damage to the bag. A dated receipt for the wine enclosed must accompany the bag at all times.

Section 19. Keg Registration

- (a) As provided in W.S. 12-2-502, licensees must affix an identification label or tag, to be provided by the Wyoming Liquor Division, on every beer keg sold. Identification labels or tags removed by the licensee shall be kept on file for no less than 90 days from date of return. Any licensee who currently or begins selling beer kegs must identify themselves to the Wyoming Liquor Division for keg registration purposes.
- (b) As provided in W.S. 12-2-503, a record of each sale shall be maintained by the licensee for no less than 90 days from date of sale. Records shall be kept on a form provided by the Wyoming Liquor Division. Licensees shall make the records available during regular business hours for inspection by a peace officer or agent of the Wyoming Liquor Division.
- (c) Identification labels or tags and forms will be issued within 30 days of licensee's request.