

HOUSE BILL NO. HB0220

Restaurant liquor licenses.

Sponsored by: Representative(s) Latta, Illoway, McOmie and Walsh

A BILL

for

1 AN ACT relating to alcoholic beverages; providing for
2 restaurant liquor licenses as specified; regulating the
3 sale of alcoholic beverages under a restaurant liquor
4 license as specified; amending related provisions; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 12-4-407 by creating a new subsection
10 (e), 12-4-410(a) and (b), 12-4-502(b) and 12-5-201(a), (c)
11 and (h) are amended to read:

12

13 **12-4-407. Restaurant liquor license; authorized;**
14 **limitation.**

15

1 (e) Any premise licensed as a retail liquor license
2 authorized under W.S. 12-4-201 prior to July 1, 2005, shall
3 not be licensed as a restaurant liquor license prior to
4 June 30, 2015.

5
6 **12-4-410. Sale of alcoholic beverages for off-**
7 **premises consumption prohibited; location, regulation and**
8 **restrictions on dispensing of liquor; prohibiting certain**
9 **activities.**

10
11 (a) Restaurant liquor licensees shall not sell
12 alcoholic or malt beverages for consumption off the
13 premises owned or leased by the licensee. ~~Except as~~
14 ~~provided in subsection (b) of this section, alcoholic or~~
15 ~~malt beverages shall be served for on-premises consumption~~
16 ~~only in dining areas which are adequately staffed and~~
17 ~~equipped for all food services offered by the restaurant~~
18 Alcoholic and malt beverages secured in the licensed
19 dispensing room by a server over the age of eighteen (18)
20 years of age may be served only in the building in which
21 the licensed dispensing room is located and in an
22 immediately adjacent fenced or otherwise enclosed area as
23 approved by the local licensing authority.

24

1 (b) Alcoholic and malt beverages shall be dispensed
2 and prepared for consumption in one (1) room upon the
3 licensed premises. ~~separated from the dining area in which~~
4 ~~alcoholic and malt beverages may be served and in the case~~
5 ~~of a golf course upon which a restaurant liquor license is~~
6 ~~operational or in the case of a guest ranch upon which a~~
7 ~~retail or restaurant liquor license is operational, at~~
8 ~~dispensing areas on the premises of the golf course or~~
9 ~~guest ranch as permitted by the licensing authority. No~~
10 ~~consumption of alcoholic or malt beverages shall be~~
11 ~~permitted within the dispensing room, nor shall any person~~
12 ~~other than employees over eighteen (18) years of age be~~
13 ~~permitted to enter the dispensing room. If a restaurant has~~
14 ~~a dispensing room separate from the dining area which is~~
15 ~~licensed prior to February 1, 1979 for purposes of~~
16 ~~alcoholic or malt beverage sales and consumption, the~~
17 ~~restaurant may dispense alcoholic or malt beverages in the~~
18 ~~separate dispensing room under a restaurant liquor license,~~
19 ~~and~~ Fermented liquor obtained in the licensed dispensing
20 room may be opened and poured at a table or booth by any
21 person over eighteen (18) years of age ~~is permitted to~~
22 ~~enter the separate dispensing room~~ in a dining room that is
23 not part of the licensed dispensing room or in an

1 immediately adjacent fenced or otherwise enclosed area as
2 approved by the local licensing authority.

3
4 **12-4-502. Twenty-four hour malt beverage permit and**
5 **catering permit; restrictions; application procedure; fees.**

6
7 (b) A catering permit authorizing the sale of
8 alcoholic and malt beverages may be issued by the
9 appropriate licensing authority to any person holding a
10 retail, restaurant or resort retail liquor license
11 authorizing the off-premises sale of both alcoholic and
12 malt beverages, for sales at meetings, conventions, private
13 parties and dinners or at other similar gatherings not
14 capable of being held within the licensee's licensed
15 premises. No licensee holding a catering permit shall sell
16 or permit consumption of any alcoholic or malt beverage off
17 the premises described in the permit. Notwithstanding any
18 other provision of this subsection, closed-container items
19 sold at auction for the benefit of a nonprofit organization
20 may be taken off-premises.

21
22 **12-5-201. Location, regulation and restrictions as to**
23 **place of sale; inspections; additional dispensing rooms.**

24

1 (a) For retail and club limited retail liquor
2 licenses, the principal place in which alcoholic liquor and
3 malt beverages are sold under a license shall be located in
4 one (1) room upon the premises for which the license is
5 issued and as approved by the licensing authority. Upon
6 payment of an additional license fee equal to two-thirds
7 (2/3) of the fee paid for the original license, a licensee
8 may have and maintain one (1) additional dispensing room in
9 the same building under the authority of the original
10 license. Alcoholic beverages secured in the licensed room
11 by a server may be served only in the building in which the
12 licensed room is located and in an immediately adjacent
13 fenced or enclosed area as approved by the local licensing
14 authority. This area shall not be in another building and
15 shall be located on the licensed premises. Only alcoholic
16 and malt beverages, nonalcoholic beverages, food, tobacco
17 and alcoholic liquor and malt beverage promotional sales
18 items sold to the licensee bearing the name and trademark
19 of the alcoholic liquor and malt beverage firm or company
20 whose product the item is advertising, may be sold and
21 served in the licensed room. The licensing authority shall,
22 as often as necessary, inspect the licensed room and
23 adjoining rooms where alcoholic beverages are served to
24 insure that the licensee is in compliance with sanitation

1 and fire hazard requirements and other applicable laws. A
2 retail liquor licensee may separate the facility for the
3 sale of alcoholic liquor and malt beverages for off-premise
4 consumption from the facility used to serve customers for
5 on-premise consumption without payment of an additional
6 fee. A separated facility for making sales for off-premise
7 consumption shall be located adjoining the facility for
8 making sales for on-premise consumption. The two (2)
9 facilities may be separated by a glass or other suitable
10 partition.

11

12 (c) Licensing authorities may issue a twenty-four
13 (24) hour permit to any retail or club limited retail
14 licensee authorizing the sale of alcoholic or malt
15 beverages in one (1) additional dispensing room in the same
16 building licensed by the original license for a twenty-four
17 (24) hour period only. No one (1) licensee shall be issued
18 more than six (6) permits in any one (1) year period. The
19 fee for the permit shall be not less than ten dollars
20 (\$10.00) nor more than one hundred dollars (\$100.00).

21

22 (h) With the approval and on the conditions imposed
23 by the licensing authority, any retail or restaurant liquor
24 licensee operating on a golf course may dispense alcoholic

1 beverages from any location on the premises of the golf
2 course. Subsections (a) through (c) and (e) of this
3 section do not apply to holders of such licenses, but such
4 holders shall comply with all applicable sanitation and
5 fire hazard requirements, and other applicable laws.

6

7 **Section 2.** W.S. 12-4-410(d) is repealed.

8

9 **Section 3.** This act is effective July 1, 2005.

10

11

(END)