

Liquor Law Updates

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Liquor Law Updates



Agenda

- Liquor Licensing Process
- New Legislation
- New Application Forms
- Sample Ordinances/Resolutions

Liquor Law Updates



Application Process

- Liquor licenses belong to the city/county
Per W.S. 12-4-101
 - (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.

Licensing authority has all the control to approve or deny a license

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Application Process

- WLD is a partner in the licensing process
- Review applications within 10 working days
Per W.S. 12-4-104 (d)
(Importance of sending the app immediately)
- WLD does not approve/deny an application
Verify qualifications required by law

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Application Process

- Correction Notices-
 - Local clerk contacts the applicant to complete the app and forwards the updates to the WLD
- WLD does not send formal notification if an app is complete
 - Due to minimal staff and high volume of apps/licensing authorities

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Licensing Authority – Hearing Results

- Communication is vital!
 - What is communicated and when are important
- **Approved & issued**- business is ready to open to the public
 - WLD allows the applicant to order product
- **Approved & not issued**- still needs to pass inspections/building not ready/CO
 - WLD does not allow ordering
- **Disapproved**- application has been denied

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Application Process

- Ultimate goal:
 - A complete app for the governing body
 - Has the best information possible
 - Can make the best decision for their community
- Maintains a smooth process

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New Legislation

Many old laws will be repealed

Major changes coming.....

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New Legislation- Revocation Process

- Senate File SF0011/ Enrolled Act #6
- Effects W.S. 12-7-201

Civil action; administrative and judicial proceedings; disposition of liquors.

- Removes the revocation proceeding from the office of administrative hearings
- Notification process for suspensions and revocations
- Appeals go to state board of equalization

Liquor Law Updates



New Legislation- Manufacturing (Distilleries)

- Senate File SF0013/ Enrolled Act #12
- Effects W.S. 12-2-203

Manufacturing and rectifying; importing and industry representatives; licensing; fees.

- Original statute was very vague
- Adding additional language to strengthen the statute
- Product must be produced and packaged at the licensed facility within Wyoming

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New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-1-101

Definitions

- Must be open on a weekly basis- previous was only 3 consecutive months
- Provision for seasonal licenses- remains 3 consecutive months
- Authorizes licensing authority to determine what qualifies as a seasonal operation

Liquor Law Updates



New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

- Can be non-operational for 1 year after issuance- previous was 2 years
- Upon showing of good cause- can get an additional 1 year

Liquor Law Updates



New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

- Once operational/open license holder must remain operational- no license holder can be non-operational without the consent of the local licensing authority due to extraordinary circumstances

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New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-101

Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment of fees.

- Removes the requirement to submit fees in cash or by certified check

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

- Removes the restriction for elected officials or law enforcement officers from holding a liquor license in their personal name
- Removes the minimum purchase requirement of \$500 for clubs, restaurants & county malt beverage
- A retail license can not be renewed if the licensee did not purchase at least \$2,000 of alcoholic or malt beverages per year

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-104

Preference right.

- Removes the preference right for previous license holder- no longer needed

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-202

Licenses or permits issued prior to April 1, 1961;
replacements.

- Licenses or permits issued prior to April 1, 1961-
no longer needed

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New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-407

Restaurant liquor license; authorized.

- Removes the population formula used to determine the number of licenses authorized
- All jurisdictions are now unlimited

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-410 (c)(Restaurants)

Sales of alcoholic beverages for off-premises consumption prohibited; location, regulation and dispensing of liquor; prohibiting certain activities.

- Hours of operation were eliminated- no standard for sales hours
- Authorizes the local licensing authority to establish hours of operation for alcohol sales

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-504

Special malt beverage permit for public auditoriums, civic centers or events centers.

- Removes the qualifications for a special malt beverage permit
- Authorizes the local authority to implement rules for qualifying

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New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-5-101

Hours of sale generally; exceptions; designation of dates for unrestricted operation.

- Removes the standard hours for sales set previously from 6 am to 2 am the following day
- Authorizes the local licensing authority to establish hours of operation for alcohol sales

Liquor Law Updates



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-5-204

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

- Removes the prohibited acts section from Title 12- gambling, prostitution, public indecency or obscenity
- Acts are addressed under Title 6- criminal code

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New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-8-201

Possession of federal tax stamp; admission in evidence.

- Removes the requirement to possess a special tax stamp
- Federal government no longer issues/requires this tax stamp

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-102

Application for licenses and permits; contents; signature and verification.

- Removes the description of a room from the application- except for restaurant applicants
- W.S. 12-4-410 (b), “No consumption of alcoholic or malt beverages shall be permitted within the dispensing room.”
- Requires location (address) of the licensed building- replaces “room” with “building”

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New Legislation- Dispensing Rooms



PIC 4

10/30/2012 13:05

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New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-301

Sales by clubs; license fees; petition; license restrictions.

- Allows sales anywhere on the licensed premises as approved by the local licensing authority
- No longer required to ensure consumption is made within the building

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-410

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

- Dispensing rooms still required for restaurants- as approved by the local licensing authority
- Definition of a room moved to restaurant law

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-201/others

Location, regulation and restrictions as to place of sale; inspections.

- Removes the “room” requirement and replaces with “licensed building”- with the exception of restaurants
- Removes the additional room fee & daily dispensing room permits- no longer necessary
- Allows more than one license holder to operate within the same building- leases will manage

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-203

Minors restricted from dispensing room; exception; penalty.

- Removes the minors restrictions- less restrictive
- Removes the 10 pm rule- no longer necessary

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-301

Conditions for operation. (Drive Up Windows)

- Removes the regulations for drive up windows

Liquor Law Updates



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-6-101

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

- Individuals under 21 must be accompanied by a parent/guardian who is 21 or older in the sales area in package stores

Liquor Law Updates



New Legislation- Bar & Grill Licenses

- Senate File SF0155/ Enrolled Act #62
- Effects W.S. 12-4-413

Bar and grill liquor license; authorized;
requirements.

- Increase in Bar & Grill licenses for 13 jurisdictions

Liquor Law Updates



New Legislation- Bar & Grill Licenses

- Senate File SF0155/ Enrolled Act #62
- Effects W.S. 12-4-413

Casper	6	Laramie	6
Cheyenne	6	Lander	3
Cody	2	Rawlins	3
Evanston	3	Riverton	3
Gillette	6	Rock Springs	6
Green River	3	Sheridan	2
Jackson	3		

Liquor Law Updates



New Legislation- New Application Forms

NEW OR TRANSFER LIQUOR LICENSE OR PERMIT APPLICATION		FOR LIQUOR DIVISION USE ONLY	
Customer #: _____		TfF from: _____	
Reviewer: Initials _____ Date _____		Agent: _____ / /	
Chief: _____ / /		_____ / /	
To be completed by City/County Clerk			
License Fees	Annual Fee: \$ _____	Date filed with clerk: _____ / _____ / _____	Local License #: _____
	Priorated Fee: \$ _____	Advertising Dates: (2 Weeks) _____ & _____	
	Transfer Fee: \$ _____		
	Publishing Fee: \$ _____	Hearing Date: _____ / _____ / _____	
	Publishing Fee Direct Billed to Applicant: <input type="checkbox"/>		
License Term:	Month _____ Day _____ Year _____	Through	Month _____ Day _____ Year _____
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.			
Applicant: _____			
Trade/Business Name (dba): _____			
Building to be licensed/Building 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: _____			
Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi)			
FILING FOR	FILING IN (CHOOSE ONLY ONE)	FILING AS (CHOOSE ONLY ONE)	
<input type="checkbox"/> NEW LICENSE	<input type="checkbox"/> CITY OF: _____	<input type="checkbox"/> INDIVIDUAL	
<input type="checkbox"/> TRANSFER OF LOCATION	<input type="checkbox"/> COUNTY OF: _____	<input type="checkbox"/> PARTNERSHIP	
<input type="checkbox"/> TRANSFER OWNERSHIP	<input type="checkbox"/> ASSIGNMENT LETTER ATTACHED	<input type="checkbox"/> LP/LLP	
FORMERLY HELD BY: _____		<input type="checkbox"/> LLC	
		<input type="checkbox"/> CORPORATION	
		<input type="checkbox"/> LTD PARTNERSHIP	
		<input type="checkbox"/> ORGANIZATION	
		<input type="checkbox"/> ASSOCIATION/OTHER (Trusts, etc)	
TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)			
<input type="checkbox"/> RETAIL LIQUOR LICENSE	<input type="checkbox"/> RESTAURANT LIQUOR LICENSE	<input type="checkbox"/> MICROBREWERY	
<input type="checkbox"/> ON-PREMISE ONLY (BAR)	<input type="checkbox"/> RESORT LIQUOR LICENSE	<input type="checkbox"/> WINERY	
<input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE)	<input type="checkbox"/> BAR AND GRILL	<input type="checkbox"/> DISTILLERY SATELLITE	
<input type="checkbox"/> COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)	<input type="checkbox"/> LIMITED RETAIL (CLUB)	<input type="checkbox"/> WINERY SATELLITE	
	<input type="checkbox"/> VETERANS CLUB	<input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT	
	<input type="checkbox"/> FRATERNAL CLUB		
	<input type="checkbox"/> GOLF CLUB		
	<input type="checkbox"/> SOCIAL CLUB		
To Assist the Liquor Division with scheduling inspections: WHEN DO YOU OPERATE?			
<input type="checkbox"/> FULL TIME (e.g. Jan through Dec)	<input type="checkbox"/> SEASONAL/PART-TIME	<input type="checkbox"/> NON-OPERATIONAL/PARKED	
(specify months of operation) _____	DAYS OF WEEK (e.g. Mon through Sat) _____	HOURS OF OPERATION (e.g. 10a - 2a) _____	
from _____ to _____	from _____ to _____	from _____ to _____	
ALL APPLICANTS MUST COMPLETE QUESTIONS 1-6			
1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (ii)			
(1) OWN the licensed building?		<input type="checkbox"/> YES (own)	
(2) LEASE the licensed building? (Lease must be through the term of the liquor license)		<input type="checkbox"/> YES (lease)	
If Yes, please submit a copy of the lease and indicate:			
(A) When the lease expires, located on page _____ paragraph _____ of lease.			
(B) Where the Sales provision for alcoholic or malt beverages is located, on page _____ paragraph _____ of lease. (MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)			

RENEWAL OF LIQUOR LICENSE OR PERMIT APPLICATION		FOR LIQUOR DIVISION USE ONLY	
Customer #: _____		TfF from: _____	
Reviewer: Initials _____ Date _____		Agent: _____ / /	
Chief: _____ / /		_____ / /	
To be completed by City/County Clerk			
License Fees	Annual Fee: \$ _____	Date filed with clerk: _____ / _____ / _____	Local License #: _____
	Priorated Fee: \$ _____	Advertising Dates: (2 Weeks) _____ & _____	
	Transfer Fee: \$ _____		
	Publishing Fee: \$ _____	Hearing Date: _____ / _____ / _____	
	Publishing Fee Direct Billed to Applicant: <input type="checkbox"/>		
License Term:	Month _____ Day _____ Year _____	Through	Month _____ Day _____ Year _____
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.			
Applicant: _____			
Trade/Business Name (dba): _____			
Building to be licensed/Building 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: _____			
Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi)			
MINIMUM PURCHASE	FILING IN (CHOOSE ONLY ONE)	FILING AS (CHOOSE ONLY ONE)	
Retail Liquor License Holders Only:	<input type="checkbox"/> CITY OF: _____	<input type="checkbox"/> INDIVIDUAL	
Have you purchased \$2,000 in spirits, wines and/or malt beverages during the previous license term?	<input type="checkbox"/> COUNTY OF: _____	<input type="checkbox"/> PARTNERSHIP	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> LP/LLP	
Please submit invoices to clerk		<input type="checkbox"/> LLC	
		<input type="checkbox"/> CORPORATION	
		<input type="checkbox"/> LTD PARTNERSHIP	
		<input type="checkbox"/> ORGANIZATION	
		<input type="checkbox"/> ASSOCIATION/OTHER (Trusts, etc)	
TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)			
<input type="checkbox"/> RETAIL LIQUOR LICENSE	<input type="checkbox"/> RESTAURANT LIQUOR LICENSE	<input type="checkbox"/> MICROBREWERY	
<input type="checkbox"/> ON-PREMISE ONLY (BAR)	<input type="checkbox"/> RESORT LIQUOR LICENSE	<input type="checkbox"/> WINERY	
<input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE)	<input type="checkbox"/> BAR AND GRILL	<input type="checkbox"/> DISTILLERY SATELLITE	
<input type="checkbox"/> COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)	<input type="checkbox"/> LIMITED RETAIL (CLUB)	<input type="checkbox"/> WINERY SATELLITE	
	<input type="checkbox"/> VETERANS CLUB	<input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT	
	<input type="checkbox"/> FRATERNAL CLUB		
	<input type="checkbox"/> GOLF CLUB		
	<input type="checkbox"/> SOCIAL CLUB		
To Assist the Liquor Division with scheduling inspections: WHEN DO YOU OPERATE?			
<input type="checkbox"/> FULL TIME (e.g. Jan through Dec)	<input type="checkbox"/> SEASONAL/PART-TIME	<input type="checkbox"/> NON-OPERATIONAL/PARKED	
(specify months of operation) _____	DAYS OF WEEK (e.g. Mon through Sat) _____	HOURS OF OPERATION (e.g. 10a - 2a) _____	
from _____ to _____	from _____ to _____	from _____ to _____	
ALL APPLICANTS MUST COMPLETE QUESTIONS 1-6			
1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (ii)			
(1) OWN the licensed building?		<input type="checkbox"/> YES (own)	
(2) LEASE the licensed building? (Lease must be through the term of the liquor license)		<input type="checkbox"/> YES (lease)	
(3) LEASE is current and on file with the licensing authority & Liquor Division.			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
If lease is not current, please submit a copy of the lease and indicate:			
(A) When the lease expires, located on page _____ paragraph _____ of lease document.			
(B) Where the Sales provision for alcoholic or malt beverages is located, on page _____ paragraph _____ of lease. (MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)			

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Licensed Building Restrictions.

A. Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on-premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

(Specifically restrict bars and exotic dancing establishments)

1. The establishment is operating a restaurant with a commercial kitchen 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;

(Allows establishments that are primarily restaurants)

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Licensed Building Restrictions.

2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of _____p.m;

(Allows establishments that are primarily bars that serve meals)

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Licensed Building Restrictions.

3. Limited Retail Licenses (Clubs) are exempt from the age restrictions listed above;
 - a. Limited Retail License holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.

(Clubs can sell anywhere on their licensed premises- may want to consider restricting to just a few days per year for special events)

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Licensed Building Restrictions.

4. Any other establishment approved by the governing body.

(Examples: Bowling alleys, hotels, theaters, civic/event centers, family entertainment centers, etc)

5. Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale alcoholic or malt beverages.

(Examples: Grocery stores will need to have an age restricted area to prevent alcoholic beverages from being sold next to milk or cookies per W.S. 12-6-101(c)(iv))

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Hours of Operation.

A. Licensees may begin alcoholic or malt beverage sales in the licensed building at _____ a.m. and shall close and cease the sale of both alcoholic and malt beverages promptly at the hour of _____ a.m. the following day. In addition, licensees shall clear the licensed building of all persons other than employees by _____ a.m.

(May want to have different Sunday hours)

B. Hours of operation may be modified on no more than _____ days each calendar year where all license holders may sell alcoholic or malt beverages for up to twenty-four (24) hours as approved by the governing body. All license holders shall have the same dates.

(4 days per year of 24 hour sales was removed)

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

A. The governing body may issue a special malt beverage permit to any reasonable person or organization for sales of malt beverages at public auditoriums, civic centers or events centers.

1. To qualify for a special malt beverage permit, the governing body shall require that:

(Examples of qualifiers)

- a. 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 an auditorium which seats at least _____ persons and is used for public gatherings;

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

b. A stadium utilized for a public event,

(Examples: football/baseball stadiums, racetracks, outdoor arenas, rodeo grounds, etc.)

c. The person or organization holding the special malt beverage permit holds a written agreement with the building owner giving said person the right to sell malt beverages within the building for which the permit will be effective.

(Written acknowledgement for both the permit holder and building owner that malt beverages will be sold on the premises)

Liquor Law Updates



New Legislation- Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

2. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor or wine 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 permit holder and the issuing body to see that no sales are made to any person under the age of twenty-one (21) years.
3. Special malt beverage 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 _____ dollars (\$_____) payable annually in advance.

Liquor Licensing

Questions?





Thank you for the opportunity to
present!!!!

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WLD website liquor.wyoming.gov