

ENROLLED ACT NO. 5, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

AN ACT relating to alcoholic beverages; amending bar and grill liquor license requirements; specifying sunset dates for bar and grill license population formulas; providing for rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 12-1-101(a) by creating a new paragraph (xxvii) and 12-4-413(b)(intro) and by creating new paragraphs (v) and (vi), (c) by creating new paragraphs (ii) and (iii), (f) and by creating new subsections (g) through (k) are amended to read:

**12-1-101. Definitions.**

(a) As used in this title:

(xxvii) "Entertainment" means any activity designed to provide diversion or amusement, regardless of the age required for the activity. "Entertainment" shall not include adult entertainment as defined by the local licensing authority or gambling.

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

(b) ~~The number of~~ Bar and grill liquor licenses ~~for cities and towns shall be based on the following population formula~~ shall be issued as follows:

(v) Beginning July 1, 2023, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

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(A) Not more than four (4) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;

(B) Not more than ten (10) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);

(C) Not more than fourteen (14) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and

(D) Not more than one (1) additional license for each additional five thousand (5,000) persons residing in incorporated cities over thirty thousand (30,000);

(E) This paragraph is repealed effective June 30, 2028.

(vi) Beginning July 1, 2028, the number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(A) Not more than six (6) licenses in incorporated cities or towns with populations of seven thousand five hundred (7,500) or less;

(B) Not more than fourteen (14) licenses in incorporated cities with populations between seven thousand five hundred one (7,501) and twenty thousand (20,000);

(C) Not more than eighteen (18) licenses in incorporated cities with populations between twenty thousand one (20,001) and thirty thousand (30,000); and

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(D) Not more than one (1) additional license for each additional three thousand (3,000) persons residing in incorporated cities over thirty thousand (30,000).

(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:

(ii) Beginning July 1, 2023, four (4) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns. This paragraph is repealed effective June 30, 2028;

(iii) Beginning July 1, 2028, six (6) licenses for each seven thousand five hundred (7,500) persons residing outside incorporated cities and towns.

~~(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 off-premises consumption from the licensed building owned or leased by the licensee except as allowed under W.S. 12-4-410(e) this subsection. The following shall apply to sales of alcoholic and malt beverages:

(i) All sales of alcoholic and malt beverages authorized by a bar and grill 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;

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(ii) A bar and grill liquor licensee may permit a patron to remove one (1) partially consumed 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 bar and grill premises. For purposes of this paragraph the term "full course meal" shall mean food which 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 paragraph 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 paragraph shall not be deemed an open container for purposes of W.S. 31-5-235.

(g) An applicant for a bar and grill liquor license shall satisfy the appropriate licensing authority that not less than sixty percent (60%) of revenue from the operation of the bar and grill to be licensed will be derived from food services, entertainment or a combination of food services and entertainment and not from the sale of alcoholic or malt beverages.

(h) When renewing a bar and grill 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 bar and grill be derived from food

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services, entertainment or a combination of food services and entertainment.

(j) The appropriate licensing authority shall consider the type, level and appropriateness of food services and entertainment sales proposed in each application when determining whether to issue or renew a bar and grill license.

(k) Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed bar and grill. The report shall contain the annual gross sales figures of the bar and grill and shall separate the gross sales figures into the following three (3) categories:

(i) Food service sales;

(ii) Alcoholic and malt beverage sales;

(iii) Entertainment sales.

**Section 2.** W.S. 12-4-413(b)(i) through (iv) and (c)(i) are repealed.

**Section 3.** The liquor division and the department of revenue shall promulgate any rules necessary to implement this act.

ORIGINAL SENATE  
FILE NO. SF0013

ENGROSSED

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**Section 4.**

(a) Except as otherwise provided by subsection (b) of this section, this act is effective July 1, 2023.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk