

HOUSE BILL NO. HB0118

Open containers of wine.

Sponsored by: Representative(s) Berger, Gilmore, Illoway,  
Landon, Martin, Walsh and Warren and  
Senator(s) Burns, Massie, Mockler and Ross

A BILL

for

1 AN ACT relating to alcoholic beverages; providing for  
2 transportation of a resealed bottle of wine under specified  
3 conditions; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 12-4-410(a) and by creating a new  
8 subsection (e) and 31-5-235(b) are amended to read:

9

10 **12-4-410. Sale of alcoholic beverages for off-**  
11 **premises consumption prohibited; location, regulation and**  
12 **restrictions on dispensing of liquor; prohibiting certain**  
13 **activities.**

14

15 (a) Except as provided in subsection (e) of this  
16 section, restaurant liquor licensees shall not sell

1 alcoholic or malt beverages for consumption off the  
2 premises owned or leased by the licensee. Except as  
3 provided in ~~subsection~~subsections (b) and (e) of this  
4 section, alcoholic or malt beverages shall be served for  
5 on-premises consumption only in dining areas which are  
6 adequately staffed and equipped for all food services  
7 offered by the restaurant.

8  
9 (e) A restaurant liquor licensee may permit a patron  
10 to remove one (1) unsealed bottle of wine for off-premises  
11 consumption provided that the patron has purchased a full  
12 course meal and consumed a portion of the bottle of wine  
13 with the meal on the restaurant premises. For purposes of  
14 this subsection the term "full course meal" shall mean a  
15 diversified selection of food which is ordinarily consumed  
16 with the use of tableware and cannot conveniently be  
17 consumed while standing or walking. A partially consumed  
18 bottle of wine that is to be removed from the premises  
19 pursuant to this subsection shall be securely sealed by the  
20 licensee or an agent of the licensee and placed in a tamper-  
21 proof transparent bag which shall also be securely sealed  
22 prior to removal from the premises, so that it is visibly  
23 apparent that the resealed bottle of wine has not been  
24 tampered with. The licensee or agent of the licensee shall

1 provide a dated receipt for the bottle of wine to the  
2 patron. Wine which is resealed in accordance with the  
3 provisions of this subsection shall not be deemed an open  
4 container for purposes of W.S. 31-5-235.

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6 **31-5-235. Consumption and possession of alcoholic**  
7 **beverages in opened containers by operator of vehicle**  
8 **prohibited; definitions; penalty.**

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10 (b) No person shall consume or possess any alcoholic  
11 beverage while operating a motor vehicle on a public street  
12 or public highway unless the beverage is in the original  
13 unopened package or container, the seal of which has not  
14 been broken and from which the original cap, cork or other  
15 means of closure has not been removed. Notwithstanding  
16 this section, a resealed bottle of wine may be transported  
17 as provided in W.S. 12-4-410(e).

18  
19 **Section 2.** This act is effective July 1, 2005.

20  
21 (END)