

HOUSE BILL NO. HB0328

Wyoming farm winery permits.

Sponsored by: Representative(s) Buchanan, Alden, Hageman and Miller and Senator(s) Meier

A BILL

for

1 AN ACT relating to alcoholic beverages; providing for the  
2 licensure of Wyoming farm wineries as specified; providing  
3 for permitting, taxation and regulation of a Wyoming farm  
4 winery 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. 12-10-101 through 12-10-105 are  
10 created to read:

11

12 CHAPTER 10

13 WYOMING FARM WINERY LICENSE

14

15 **12-10-101. Farm winery license; when issued; rules**  
16 **and regulations.**

1

2 (a) A license to operate a Wyoming farm winery may be  
3 issued by the division upon payment of the fee required by  
4 W.S. 12-4-412 and compliance with the provisions of this  
5 chapter.

6

7 (b) A Wyoming farm winery shall produce wine  
8 principally from fruit and agricultural produce harvested  
9 in this state which production does not exceed fifty  
10 thousand (50,000) gallons of wine annually. The wine  
11 produced shall be not less than seventy-five percent (75%)  
12 from Wyoming fruit and agricultural produce.

13

14 (c) Any wine produced by a Wyoming farm winery with  
15 less than seventy-five percent (75%) from Wyoming  
16 agricultural produce as required by subsection (b) of this  
17 section shall be taxed at the regular rate for fermented  
18 liquors as provided by W.S. 12-3-101(a).

19

20 (d) The division shall promulgate rules and  
21 regulations for the implementation of this chapter.

22

23 **12-10-102. Authorized activities of licensee.**

24

1           (a) A licensed Wyoming farm winery may produce,  
2 bottle, store, transport or export wines as provided by  
3 this section.

4

5           (b) A licensed Wyoming farm winery may:

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7                   (i) Sell wine to other wineries;

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9                   (ii) Sell wines at wholesale to licensed  
10 retailers;

11

12                   (iii) Sell wines at retail to consumers for  
13 consumption on or off the licensed premises;

14

15                   (iv) List and sell wines to the Wyoming liquor  
16 division;

17

18                   (v) Export wines outside of this state to  
19 licensees and consumers, subject to the laws and  
20 regulations of the receiving state;

21

22                   (vi) Purchase and sell other wines for  
23 consumption on or off the licensed premises obtained from

1 the division, from other Wyoming farm wineries, or through  
2 direct shipping;

3

4 (vii) Purchase distilled spirits for the  
5 purposes of fortification from the division.

6

7 **12-10-103. Winery tasting rooms.**

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9 (a) A farm winery shall be permitted to sample or  
10 sell wine by the glass, bottle or case for consumption on  
11 or off the premises in a tasting room. Samples may be  
12 served complimentary or for a fee.

13

14 (b) Any person under the age of eighteen (18) years  
15 of age may enter and remain in the tasting room when  
16 accompanied by a parent or guardian.

17

18 (c) A farm winery may, either alone or in conjunction  
19 with another licensed winery in this state, apply to the  
20 division to operate not to exceed three (3) satellite  
21 locations in this state. A satellite location tasting room  
22 shall be subject to the same requirements as a winery  
23 tasting room as provided by this section. The provisions  
24 of W.S. 12-4-412(d) shall apply to this section.

1

2           **12-10-104. Special event license.**

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4 A farm winery may apply, either alone or in conjunction  
5 with another licensed winery in this state, to the division  
6 for a special events license where wine may be sampled or  
7 sold by the glass, bottle or case in the same manner as the  
8 wine is sold at the winery. A special event may include  
9 but is not limited to a fair, festival or convention. The  
10 fee for the permit shall be twenty-five dollars (\$25.00).  
11 The division shall promulgate rules and regulations for the  
12 implementation of this section.

13

14           **12-10-105. In-state direct shipment.**

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16           (a) A farm winery may ship wine to any individual  
17 over the age of twenty-one (21) years who is a resident of  
18 this state for personal consumption and not for resale.  
19 The provisions of W.S. 12-2-204(d)(i) through (iv), (vi),  
20 (vii) and (f) shall apply to shipments made under this  
21 subsection.

22

23           (b) A farm winery may ship wine to an individual  
24 consumer over the age of twenty-one (21) years who resides

1 outside of this state. The shipment shall be subject to  
2 the laws of the state in which the individual resides.

3

4 **Section 2.** W.S. 12-1-101(a)(xxiv) and by creating a  
5 new paragraph (xxvi) and 12-3-101(a) are amended to read:

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7 **12-1-101. Definitions.**

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9 (a) As used in this title:

10

11 (xxiv) "This title" means W.S. 12-1-101 through

12 ~~12-9-119~~ 12-10-105;

13

14 (xxvi) "Wyoming farm winery" means a winery

15 which produces wine principally from fruit and agricultural

16 produce harvested in this state which production does not

17 exceed fifty thousand (50,000) gallons of wine annually.

18 The wine produced shall be not less than seventy-five

19 percent (75%) from Wyoming fruit and agricultural produce.

20

21 **12-3-101. Excise tax to be paid; limitation on liquor**  
22 **or malt beverage importation; penalties.**

23

1           (a) An excise tax is assessed and shall be collected  
2 by the commission equal to three-fourths of one cent  
3 (\$.0075) per one hundred (100) milliliters (3.4 ounces) or  
4 fraction thereof on fermented liquors, thirteen one-  
5 hundredths of a cent (\$.0013) per one hundred (100)  
6 milliliters (3.4 ounces) on fermented liquors produced from  
7 a Wyoming farm winery, two and one-half cents (\$.025) per  
8 one hundred (100) milliliters (3.4 ounces) or fraction  
9 thereof on spirituous liquors and one-half cent (\$.005) per  
10 liter (33.8 ounces) or fraction thereof on malt beverages.  
11 The appropriate excise tax shall be collected on all  
12 alcoholic or malt beverages sold, offered for sale or use  
13 in this state.

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

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(END)