

HOUSE BILL NO. HB0082

Contract brewing.

Sponsored by: Representative(s) Loucks and Senator(s)
Anderson

A BILL

for

1 AN ACT relating to alcoholic beverages; providing for
2 brewers and microbrewers to obtain by contractual
3 arrangement malt beverages for sales for on or off premises
4 consumption; providing a definition; and providing for an
5 effective date.

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

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9 **Section 1.** W.S. 12-1-101(a) by creating a new
10 paragraph (xxvi), 12-2-201(a)(iii) and 12-4-412(b)(i) and
11 (iv) are amended to read:

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13 **12-1-101. Definitions.**

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15 (a) As used in this title:

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2 (xxvi) "Contract brewing" means a commercial
3 arrangement in which a client brewer or microbrewer
4 contracts with a brewery or microbrewery to produce malt
5 beverage for the client brewer or microbrewer and where the
6 contract brewery or microbrewery is entirely responsible
7 for:

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9 (A) Producing the malt beverage;

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11 (B) Packaging the malt beverage;

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13 (C) Reporting and keeping appropriate
14 brewery or microbrewery records, including crediting the
15 malt beverage production toward the contract brewery's or
16 microbrewery's production requirements for annual permit
17 renewal;

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19 (D) Labeling the malt beverage with the
20 contract brewery's or microbrewery's name and address;

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22 (E) Obtaining the necessary certificates of
23 label approval;

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(F) Retaining ownership of the malt beverage until removal of the malt beverage from the contract brewing facility;

(G) Obtaining any required territorial assignment;

(H) Distributing the malt beverage back to the client brewer or microbrewer through a wholesaler;

(J) Paying the appropriate rate of tax upon removal of the malt beverage from the contract brewing facility and reporting and remitting the tax to the appropriate tax authority.

12-2-201. Wholesale license for sale of malt beverages only; fee.

(a) Except as otherwise provided in paragraph (ii) of this subsection a wholesale license authorizing the sale of malt beverages only may be granted by the division to microbreweries and malt beverage wholesalers resident

1 within this state. Wholesale licensees have the exclusive
2 right to sell malt beverages at wholesale. Any qualified
3 person desiring a wholesale license shall apply to the
4 division on forms to be provided and pay a license fee of
5 two hundred fifty dollars (\$250.00) annually in advance. A
6 wholesale license issued under this subsection shall be
7 subject to the following:

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9 (iii) Nothing in this subsection shall be
10 interpreted to impair any contract between a brewery,
11 microbrewery, malt beverage manufacturer or malt beverage
12 importer and a distributor.

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14 **12-4-412. Microbrewery and winery permits;**
15 **authorized; conditions; dual permits and licenses;**
16 **satellite winery permits; direct shipment of wine; fees.**

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18 (b) The local licensing authority:

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20 (i) May allow the sale of malt beverage obtained
21 through a contract brewing arrangement and other malt
22 beverages under a microbrewery permit for on-premises

1 consumption when obtained through licensed wholesale malt
2 beverage distributors;

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4 (iv) May allow the microbrewery to sell on site
5 its brewed product and its malt beverage obtained through a
6 contract brewing arrangement for off-premises personal
7 consumption, not for retail sale, in packaging of bottles,
8 cans or packs of an aggregate volume not to exceed two
9 thousand (2,000) ounces per sale;

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11 **Section 2.** W.S. 12-1-101(a)(xxiv) is repealed.

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13 **Section 3.** This act is effective July 1, 2020.

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(END)