

## Wyoming Administrative Rules

# Revenue Dept.

## Liquor Distribution

### Chapter 20: Liquor Division Methodology

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CHAPTER 20

LIQUOR DIVISION METHODOLOGY

Section 1. Authority.

These rules and regulations are promulgated under the authority of W.S. 12-2-301 and 16-3-102.

Section 2. Purpose.

These rules are adopted to provide orderly licensing procedures, regulation of licensees, a fair and efficient procedure for administrative hearings and for information practices.

Section 3. Interpretation.

The Liquor Division is solely responsible for providing official interpretation of these rules in cases of apparent internal conflicts between rules, or when questions arise about their application to specific situations, procedures or policies.

Section 4. Definitions.

- (a.) "Alcoholic beverages" means all types of alcoholic beverages containing over one half of one percent (.5%) alcohol by volume.
- (b.) "Department" means Department of Revenue.
- (c.) "Division" means Department of Revenue Liquor Division, formally known as the Wyoming Liquor Commission.

Section 5. Application and Qualifications for all Licenses and Permits.

- (a.) Each applicant for a license or permit issued by the Division, if an individual, must be domiciled in Wyoming and must certify:

That the applicant holds no interest directly or indirectly in any retail license or permit issued by authority of the Wyoming Alcoholic Beverage Statutes, W.S. 12-1-101, et seq.

Whether or not the applicant has been convicted of a felony or a violation of federal or state statutes relating to the sale or manufacture of

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alcoholic beverages in the ten (10) years preceding the filing of the application.

That the applicant has attained the age of eighteen (18) years.

- (b.) When the applicant is a partnership, each member shall sign and verify the application. If the applicant is a corporation, limited liability company (LLC), limited partnership or limited liability partnership, the application must state that the applicant is qualified and in good standing under the laws of Wyoming and must show the full names and residence addresses of all the officers and directors and of all shareholders owning jointly or severally ten percent (10%) of the stock of the corporation.
- (c.) The Division reserves the right to refuse any application for a license or permit when issuance would be contrary to the public interest.

### Section 6. Revocation and Suspension.

A license or permit issued by the Division may be suspended or revoked for violation of the Wyoming Alcoholic Beverage Statutes or for violation of the Rules and Regulations of the Division. Revocation or suspension proceedings shall be conducted in accordance with the provisions as contained in W.S. 16-3-101 through 16-3-115 and in Section 12 of these rules.

### Section 7. Suspension or Revocation of License.

Upon suspension or revocation of a license, the Division shall determine disposition of all remaining inventory of the licensee in accordance with W.S. 12-7-201(e).

### Section 8. Representative Licenses and Standards of Business.

- (a.) Representative License. All distillery, brewery and winery vendors' agents, salesmen, solicitors, brokers, sales consultants, and representatives shall be licensed with the Division in accordance with the provisions of these rules. No individual shall act as an agent, salesman, broker, sales consultant, or solicitor for any vendor in promoting the sales of a vendor's products in Wyoming unless he has been properly licensed.
- (b.) License Fee. The fee for a class A, class B, or class C representative's license, as set by the division, shall be payable at the time of application to the Liquor Division, at 1520 East 5th Street, Cheyenne, Wyoming 82002.
- (c.) Duration of License. A representative's license shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall

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expire on June 30 of each year. All applications for renewal of licenses and license fees shall be filed with the Division forty-five (45) days prior to the date of expiration.

(d.) Verification of Employment. Application for a class A representative license shall be accompanied by a written statement from the vendor(s) whose products the applicant proposes to represent. The vendor's statement shall verify the applicant's employment or contractual arrangement, and shall contain a request that the applicant be licensed to represent its particular brand or brands in Wyoming. Application for a class B representative license shall be accompanied by a written statement from a class A representative. The statement from the class A representative shall verify the applicant's employment or contractual arrangement, and shall contain a request that the applicant be licensed to represent products represented by the class A representative. Application for a class C representative license shall be accompanied by a written statement from a class A representative indicating the event for which the class C representative shall be licensed.

(e.) Privileges of Licensed Representatives. Class A representative shall be responsible for the presentation of products, to the division, for listing and delisting per policies established by the division. Properly licensed class A or class B representatives may advertise and promote the sale of vendors' products and shall be permitted to call upon liquor licensees to insure product identification, advance notice of new listings, delistings, product changes, and other pertinent information. Licensed representatives shall not be permitted to place liquor orders from retail licensees with the Division.

(f.) Representation. All vendors shall notify the Division, in writing, upon the employment or termination of any class A representative promoting the sale of its products within Wyoming. A representative may represent more than one company. All class A representatives shall notify the division, in writing, upon the employment or termination of any class B representatives promoting the sale of assigned products within Wyoming.

(g.) Sampling.

Definition: Sampling is defined as displaying to a licensed retailer the smallest quantity available for the buyer to determine the quality of the product offered.

Sampling Rules:

Provided that all applicable state and federal laws, rules, and regulations pertaining to the shipment of alcoholic beverages into Wyoming are strictly adhered to, samples are not prohibited.

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A class A or class B industry representative may furnish or give a sample of an alcoholic beverage to a licensee, his agents or employees, who have not previously purchased the brand from that industry representative. For each retail establishment, such samples are limited as follows: the industry representative may give not more than 3 gallons of any brand of malt beverage, not more than 500 milliliters of any brand of distilled spirits, and not more than 3 liters of any brand of wine. If a particular product is not available in a size within the quantity limitations of this section, an industry representative may furnish to a retailer the next larger size. If a licensee, their agents or employees have previously purchased a product, an industry representative may not furnish any samples.

The use of samples shall not be abused by the distribution of unopened bottles or cases to the retail licensee in the form of a bonus of free goods or an inducement for future purchases.

The seal on all sample bottles shall be broken at the time of sampling.

Class A and class B representatives may be permitted to purchase samples from the Division. The Division shall establish limits, policies, and procedures for the individual purchase of sample products.

### (h.) Advertising, Display and Promotional Materials.

The giving or offering of a bonus, premium, compensation or other thing of value by an industry representative to any licensee, their owners, officers, employees or representatives for their exclusive or personal use is prohibited.

No advertisement of alcoholic beverages should:

Contain a statement, design, device, or representation which is obscene or indecent.

Contain a statement, design, or device representing that the use of the product has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

Contain an offer to a consumer of a prize, premium, or award upon completion of a contest, or otherwise promote any contest among consumers where a purchase is mandatory or conditional.

Contain any statement which is disparaging of a competitor's products, false, or misleading in any material way.

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All advertising, display and promotional materials of vendors shall be sent to class A or class B representatives directly. This type of material shall not be consigned to the Division.

- (i.) Private Labels. The use of private or personal labels on any alcoholic beverage container offered for sale or use in Wyoming is not prohibited provided all private and personal labels have received approval from the Alcohol and Tobacco Tax and Trade Bureau (TTB). Documentation of TTB approval shall be provided to the Division prior to any alcoholic beverage container with a private or personal label attached being offered for sale or use in Wyoming.
- (j.) Special Orders. Orders for merchandise not carried in inventory by the Division are permitted by written request from the retailer.
- (k.) General Business Practices. The division shall maintain written policies and procedures necessary to conduct the day to day business of a wholesale operation. Parties affected by a policy may receive a copy by submitting a written request to the division.
- (l.) Minimum Purchase Requirement. W.S.12-4-103(c) requires a minimum purchase requirement within the prior one year term to be eligible for renewal. For any retail license which may have less than a one year prior term, the minimum requirement shall be prorated to match the actual prior term of the retail license being renewed.
- (m.) Application Reviews. Pursuant to W.S.12-4-104(d), applications filed with the local licensing authority shall be forwarded by the local licensing authority to the division and the division shall review each such application and certify the same as complete when appropriate. The local licensing authority shall be responsible for ensuring the application contains correct information.
- (n.) Sales Tax and Liquor Licenses. To administer the requirement set forth in W.S.12-2- 306, the person stated on the liquor license or permit shall be the same person stated on the sales tax license unless a special circumstance exception has been applied for in writing to the Division by the liquor licensee or permittee and approved by the Director.

### Section 9. Malt Beverages.

#### (a.) Duration of License

A license to wholesale malt beverages in Wyoming shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall expire September 20 of each year. All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.

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The initial term of a license may be less than one year so as to coincide with the annual date set for renewal, and the fee shall be prorated accordingly.

- (b.) Renewal. Upon application for renewal of a malt beverage wholesaler's license, the Division may consider the adequacy and uniformity of service provided to retail licensees in the wholesaler's territory.
- (c.) Malt Beverage Wholesaler and Microbrewery Permit Holder Reports.

Each licensed malt beverage wholesaler shall report to the Division all malt beverages purchased not later than the fifteenth (15th) day of the month following the purchases, on forms approved by the division. The total tax is due and shall be paid at the time of making and filing the report. Failure to timely file this report as required by this subsection will be reported to the Department of Revenue Excise Tax Division. There shall be attached to each report, identification of all original invoices of purchases of malt beverages made during each monthly period by the reporting licensee.

Malt beverage wholesalers shall make deliveries and service all licensees uniformly within their assigned geographical territories. This shall not preclude special arrangements that are mutually agreeable between licensees and wholesalers.

Each microbrewery permit holder shall report to the Division all malt beverages produced not later than the fifteenth (15th) day of the month following production, on forms approved by the division. The total tax is due and shall be paid at the time of making and filing the report. Failure to timely file this report as required by this subsection will be reported to the Department of Revenue Excise Tax Division.

- (d.) Brewer Reports. All breweries, microbreweries and out-of-state wholesalers making sales of malt beverages to Wyoming wholesalers shall report to the Division the quantity sold to each Wyoming wholesaler. The report shall be submitted to the Division not later than the fifteenth (15th) day of each month following the month during which the sales were made. Failure to timely file this report as required by this section will be reported to the Department of Revenue Excise Tax Division.

### Section 10. Rectifier's License To Manufacture And Bottle Alcoholic Beverages

- (a.) License May Be Granted. A license may be granted by the Division for the manufacture and bottling of alcoholic beverages. Distilled spirits and wines shall be sold by the licensee exclusively to the Division, and malt beverages shall be sold to licensed malt beverage wholesalers. Alcoholic beverages shall be sold to

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no other person, firm, partnership, limited liability company, limited partnership, limited liability partnership or corporation within this state, nor shall any retail sales or deliveries be made by the licensee. Sales to out-of-state purchasers are permitted.

- (b.) Annual License Fee. The annual fee for such license is set by statute with the privilege of renewal from year to year unless otherwise revoked or suspended for cause. All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.
- (c.) Applicant to Comply with Applicable Federal and State Requirements. Applicants shall comply with all applicable federal statutes and regulations as well as the Wyoming Alcoholic Beverage Statutes, Rules and Regulations.

### Section 11. Commercial Importation And Storage Of Alcoholic Beverages.

- (a.) License Required. No person, partnership, limited liability company, or corporation shall be allowed to import alcoholic beverages, other than malt beverages, into Wyoming and store them within the state unless a license shall have first been issued, except as otherwise provided by W.S. 12-3-101(d).
- (b.) License May be Granted. A license may be granted by the Division for the commercial importation and storage of alcoholic beverages in Wyoming to any qualified person, partnership, limited liability company, or corporation of this state. The alcoholic beverages, other than malt beverages, shall be sold by the licensee exclusively to the Division, and to no other person, firm, partnership, limited partnership, limited liability partnership or corporation within this state; nor shall any retail sales or deliveries be made by a licensee.
- (c.) Annual License Fee. The annual fee for the license is set by statute with the privilege of renewal from year to year unless otherwise revoked or suspended for cause.

Each applicant for a license shall submit to the Division a statement under oath stating that the applicant will maintain a warehouse within Wyoming and identifying all products which the applicant proposes to import and store within Wyoming.

- (d.) Applicant to Comply with Applicable Federal and State Requirements. Applicants shall comply with all applicable federal statutes and regulations as well as the Wyoming Alcoholic Beverage Statutes, Rules and Regulations.
- (e.) Duration of License. A license for the commercial importation and storage of alcoholic beverages in Wyoming shall be a personal privilege, good for one (1) year from date of approval by the Division unless sooner suspended or revoked.



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All applications and fees for renewal shall be filed with the Division forty-five (45) days prior to the date of expiration.

- (f.) Conditions of License. Upon issuance of a license, the licensee shall comply with the following terms and conditions:

Any alcoholic beverages being stored by the licensee in Wyoming shall not be stored in any place other than that designated upon the application for license, unless written notification has been given to the administrator of the Division.

Any alcoholic beverages being stored by the licensee shall not be removed from storage except for transfer to the Division or for interstate shipment upon twenty-four (24) hours advance written notification to the Division.

The Division shall have the right to order the licensee to provide any purchase, shipping, or inventory information, and the right to enter and inspect any premises in which alcoholic beverages are being stored.

No licensee shall furnish, rent, give, or lend any money or anything of value to any owner, proprietor, licensee, agent, or employee of any retail liquor or malt beverage establishment.

No licensee shall furnish, rent, give, lend, or sell to any retailer at cost or below cost any equipment, fixtures, or supplies.

The licensee shall at all times maintain accurate and current records concerning purchases, receipts, and shipments, and shall within forty-eight (48) hours prior to importation of any alcoholic beverages into Wyoming, submit to the Division copies of all original invoices, shipping manifests, and bills of lading.

### Section 12. Hearing Procedures.

- (a.) Purpose. These rules are established to provide a fair and efficient method for administrative hearings relative to suspension or revocation of licenses by the Division. These procedures may be utilized when a formal hearing is necessary for other purposes as well.
- (b.) Commencement of Action. Upon an appropriate showing of violation of Title 12 of Wyoming Statutes or the Rules of the Division, the Division may commence proceedings to suspend or revoke the license of the alleged offender.

In an Order to Show Cause, the Division shall notify the licensee of the:

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Time, place and nature of the hearing;

The legal authority and jurisdiction under which the hearing is to be held;

The particular sections of the statutes and rules involved; and

A short and plain statement of the violations alleged.

No answer is required, and at the hearing, the licensee may appear and show why his license should not be suspended or revoked.

- (c.) Time and Place of Hearing. The hearing may be held no less than twenty (20) days after service of the Order to Show Cause upon the licensee, so that the licensee may have adequate time for preparation. Upon motion and for good cause, the hearing may be postponed by the Division until a later date.

Hearings shall be conducted in Cheyenne, Wyoming, unless upon motion and for good cause shown the Division determines another location is preferable.

- (d.) Service. The Order to Show Cause shall be served personally or by mail, return receipt requested, addressed to the place of business of the licensee or permittee, or to the most recent residence address filed with the Division of a licensed representative.

- (e.) Hearing Officer. The Division shall designate a hearing officer to conduct the hearing.

The licensee may move to disqualify a hearing officer by filing written motion and supporting affidavits of personal bias with the Division. After careful consideration of the evidence presented, the director of the Department shall rule upon the motion.

Hearing officers may withdraw whenever they deem themselves disqualified because of personal bias or other substantial reason.

- (f.) Authority of Hearing Officers. Hearing officers have the authority in accordance with W.S. 16-3-112 to:

Administer oaths and affirmations;

Issue subpoenas;

Rule upon offers of proof and receive relevant evidence;

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Take or cause depositions to be taken in accordance with the provisions of the Administrative Procedure Act, W.S. 16-3-101 through 16-3-115;

Regulate the course of the hearing;

Hold conferences for the settlement or simplification of the issues;

Dispose of procedural requests or similar matters;

Make recommended decisions when directed to do so by the agency; and

Make any action authorized by agency rules, the Administrative Procedures Act, or the Alcoholic Beverage Statutes.

(g.) Counsel. All parties may appear at the hearing with or without counsel or other representative of their choice.

(h.) Inspection of File. Each party, or their authorized representative, shall be permitted to inspect and copy, at their own expense at the offices of the Division, all documents filed in the license suspension or revocation proceedings, and all documents regarding the subject of the hearing contained in the Division's files permitted by law to be inspected and copied.

(i.) Record of Proceedings. The hearing shall be reported verbatim, stenographically or by any other appropriate means determined by the Division or hearing officer. A copy will be furnished to any party upon written request to the Division and payment of a reasonable fee. If one or more parties desires the hearing transcribed by a certified court reporter, such parties must make the necessary arrangements and bear the cost. By agreement of the parties, court reporter fees and transcription charges may be shared.

(j.) Order of Procedure at Hearing. Hearings shall be conducted substantially as follows:

The hearing officer shall announce that the hearing is called to order and announce the matter to be heard, briefly summarizing the case and the issues.

The hearing officer shall take up any preliminary motions or matters to be discussed.

The Division may present a brief opening statement of the charges, explain the theory of the case and what the evidence will show.

The licensee may present his/her opening statement in the same manner.

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The Division shall then present the evidence of the Division, subject to cross examination by the licensee and the hearing officer.

The licensee shall present his/her evidence, subject to cross examination by the Division and the hearing officer. The Division may follow with rebuttal evidence.

Closing statements may be made at the conclusion of the evidence by both parties. These statements may include summaries of the evidence and legal arguments. The Division shall precede the licensee and may also briefly rebut licensee's closing statement.

The hearing officer may ask for proposed findings of fact and conclusions of law from both parties, to be submitted within a reasonable time.

After all proceedings have been concluded the hearing officer shall dismiss and excuse all witnesses not already excused and declare the hearing closed.

### (k.) Decision of Department.

Within twenty (20) working days after completion, the hearing officer shall prepare proposed findings of fact and conclusions of law for submittal, along with the entire record as defined in W.S. 16-3-107(o), and the proposed findings of fact and conclusions of law from both parties, if any, to the director of the Department of Revenue. By agreement of all parties such period may be extended.

After receipt of the record, the Department of Revenue shall within twenty (20) working days enter a decision and final order containing findings of fact and conclusions of law, signed by the director of the Department. By agreement of all parties such period may be extended.

The licensee shall be promptly notified by mail of the final order.

- (l.) Appeals to District Court. Any licensee aggrieved or adversely affected by a final decision of the Department of Revenue after a hearing is entitled to judicial review in the appropriate district court pursuant to W.S. 16-3-114 and W.S. 12-7-201(d).

## Section 13. Information Practices

- (a.) Pursuant to the Executive Order #9 issued by the Governor and as authorized by W.S. 16-4-201 et. sec. the Division is required to establish rules and regulations governing the information practices of this agency and to ensure

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security, confidentiality, and privacy in personal information systems. The following rules and regulations set forth the procedures whereby such information will be collected, maintained, and disseminated.

- (b.) Disclosure. Upon receipt of all records of personal information, the Division will in accordance with the statutes, determine and classify said information as "public records" or "confidential records";

Confidential records will not be available to those other than the individual to whom the record pertains or authorized Division employees unless the individual provides written consent for the Division to make the disclosure. The Division may disclose the contents of a confidential record without the individual's written consent if the disclosure is:

For a routine use of the record as when information is shared with another state agency to perform a statutory function.

To a recipient who has provided written assurance that the record will be solely for statistical research and that the record is to be transferred in a form that is not individually identifiable.

A transfer to the state archives as a record which warrants continued preservation.

To another governmental agency for civil or criminal law enforcement activity.

To any person on a clear showing of a compelling circumstance affecting the health or safety of an individual.

An order from a court of competent jurisdiction.

- (c.) Access. Any person shall have the right to physically handle and inspect the contents of a record that pertains to him/her. Original documents shall not be removed from the Division; however, the Division will make provisions for copying requested material for a charge that will cover the cost incurred by the Division for copying and compiling the requested information. Individuals requesting access to public records and to confidential records that pertain to them must do so in writing and in advance in order to allow the Division to collect the information. All requests for access will be responded to within ten (10) days after receipt of the request. When access to any record is denied by the Division, the custodian will inform the requester of the statutory or regulatory basis for the denial of access.

- (d.) Correction and Amendment. Any individual has the right to bring to the attention of the custodian any erroneous, inaccurate or misleading information

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that is contained in any file that he/she inspects. All modifications to a record shall then become a permanent part of that record.

- (e.) Maintenance of Records. When soliciting information from an individual, the division shall give the following notification on the form used to solicit the information or on a separate form:

The statutory or administrative authority or federal regulation that allows, the division to solicit such information.

The purpose and uses for which the information is sought.

The public or confidential classification of the solicited information.

The voluntary or mandatory status of the questions asked of individuals and the effects, if any, of not providing all solicited information.

Maintain any record that is used to make determinations about an individual with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual.

Not maintain any record on how an individual exercises their rights under the First Amendment of the U.S. Constitution.

Not maintain any system of records whose very existence is a secret from the public.

Establish physical safeguards and specific security policies for the protection of each system from burglary, misuse, or destruction.

Maintain all systems of personal information in a manner that is conducive to public inspection and access.

Maintain only that information about an individual necessary to accomplish the division's purpose as authorized by statute.

Collect information to the greatest extent possible directly from the individual who is the subject of the record.

- (f.) Mailing Lists. The Division maintains a mailing list of liquor licensees within Wyoming including the name and place of business. These business names and addresses are provided upon request to all interested individuals at a minimal charge.

### Section 14. Chartered Transportation Services.

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(a.) Responsibilities.

Each applicant receiving a limited transportation license pursuant to W.S. 12- 2-202 shall:

Display license predominately in front window;

Ensure driver knows, understands, and adheres to all applicable liquor laws;

Ensure procedures are in place to prohibit persons under 21 years of age from obtaining alcohol.

In state chartered transportation services shall apply for the applicable license to the Liquor Division.

Chartered transportation services traveling through the state shall register and obtain a license at port of entry.

(b.) Definitions.

"dispensing room" for purposes of a chartered transportation vehicle, is defined as the interior space of the vehicle exclusive of the drivers area.

(c.) Fees.

The fee for a 24 hour license shall be \$25.00, payable to the Liquor Division.

The fee for a yearly license shall be \$250.00 payable to the Liquor Division.

Section 15. Minors.

Unless a statutory exception applies, any person employed in a dispensing room shall be at least 21 years of age.

Section 16. Direct Shippers

(a.) Out-of- State Shipper's License. No out-of-state shipper shall ship, package for shipment or facilitate in any way the shipment of manufactured wine by a third party or common carrier to any person, household or licensed retailer in this state until the Division properly licenses such shipper.

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- (b.) License Fee. The fee for an out-of-state shipper, as set by statute, shall be payable at the time of the application to the Liquor Division at 1520 E. 5th Street, Cheyenne, WY 82002.
- (c.) Duration of License. An out-of-state shipper's license shall be a personal privilege, good for one (1) year unless sooner suspended or revoked. All licenses shall expire on June 30 of each year. All applications and fees for renewal of licenses shall be filed with the Division forty-five (45) days prior to the date of expiration.
- (d.) Shipments to Retailers. Out-of-state shippers are prohibited from shipping wine listed by the Division directly to licensed retailers. Licensed retailers are prohibited from receiving shipments of wine listed by the Division directly from out-of-state shippers.
- (e.) Monthly Reports. Out-of-state shippers shall use the official tax report format the Division requires. A copy of each invoice for each shipment shall be attached to the tax report. The invoice shall indicate a full description of the product and the volume shipped to each household or retailer. If no shipments into Wyoming occurred for any given month, a zero report is required.

### Section 17. Alcohol Server Training Program

- (a) Each program shall meet or exceed the minimum curriculum standards to obtain an annual certification from the Liquor Division. Each program shall make application to the Liquor Division on a form provided by the Liquor Division with a copy of the course curriculum, qualifications and testing procedures. All applicants for certification will also submit a current roster of qualified course instructors and, standards and procedures to certify course instructors, such as required by the TIPS, Bar Code or TAMS alcohol server training courses or other similar programs. All certifications shall expire on August 31 of each year. All applications for renewal of certification shall be filed with the Division forty-five (45) days prior to the date of expiration.
- (b) Prior to administering instruction in any certified program, providers shall submit a copy of a certificate of qualification to instruct their associated alcohol server training program.
- (c) Provider certification shall meet or exceed the following minimum qualifications:
  - (i) Successfully complete a minimum 12-hour trainer workshop conducted by a certified instructor to become an alcohol server training program provider.



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- (ii) Successfully complete a written examination at the end of the workshop by achieving a score of at least seventy percent (70%).
- (iii) Conduct an alcohol server training class within four (4) months of completing trainer workshop or co-train an alcohol server training class with a certified trainer within twelve (12) months of completing trainer workshop.
- (iv) Instructor certification shall be good for a period of one (1) year after which they will have to recertify with that programs recertification procedures.

(d) Minimum curricula standards shall include:

- (i) Physiological and behavioral effects of alcohol use
- (ii) Absorption rate factors
- (iii) Blood alcohol content (BAC)
- (iv) Laws affecting servers and sellers of alcohol
- (v) Potential alcohol related problems in professional or social setting
- (vi) Strategies for dealing with problem situations
- (vii) Proper methods for checking identification and how to spot false or altered identification

(e) Training format shall include:

- (i) Lecture and discussion on curricula standards
- (ii) Use of filmed, taped or digital reenactments of specific scenes involving potential intoxication, intoxication and attempts at illegal purchase of alcohol
- (iii) Focus on how to assess and evaluate situations and behavior
- (iv) Lecture and discussion of both effective and ineffective intervention techniques
- (v) Role playing allowing each participant an opportunity to practice new skills by interaction with other participants and/or provider in creation of "real-life" situations

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- (vi) A minimum of four (4) hours instructional time
  - (vii) Servers will be certified upon completion of course by passing a comprehensive written examination achieving a score of at least seventy (70) percent. The certification will be for a period of not less than three (3) years.
- (f) The Division may suspend, revoke or not renew any certification issued to a provider if, after notice and opportunity for hearing, the Division finds the provider has violated any rule or regulation of the Division.

### Section 18. Transportation of a Resealed Bottle of Wine from a Restaurant Liquor License.

As provided in W.S. 12-4-410(e) a restaurant liquor licensee may permit a patron to remove one (1) unsealed bottle of wine for off-premise 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 restaurant premises. The bottle of wine must be resealed with the original cap, recorked in such a manner as to require a cork removal device, or any other means to securely seal the bottle. The recapped, recorked, or resealed bottle must then be placed in a tamper proof transparent bag, securely sealed by either stapling, taping, or any other means of sealing the bag in such a manner that the bottle cannot be removed without obvious damage to the bag. A dated receipt for the wine enclosed must accompany the bag at all times.

### Section 19. Keg Registration

- (a) As provided in W.S. 12-2-502, licensees must affix an identification label or tag, to be provided by the Wyoming Liquor Division, on every beer keg sold. Identification labels or tags removed by the licensee shall be kept on file for no less than 90 days from date of return. Any licensee who currently or begins selling beer kegs must identify themselves to the Wyoming Liquor Division for keg registration purposes.
- (b) As provided in W.S. 12-2-503, a record of each sale shall be maintained by the licensee for no less than 90 days from date of sale. Records shall be kept on a form provided by the Wyoming Liquor Division. Licensees shall make the records available during regular business hours for inspection by a peace officer or agent of the Wyoming Liquor Division.
- (c) Identification labels or tags and forms will be issued within 30 days of licensee's request.