



CITY OF CODY
WYOMING

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June 7, 2018

Reference: Distribution and/or Sale of Alcohol for Events

Cody Business Owner:

It has come to the City of Cody's attention that several businesses hold events (Grand Opening, Annual Anniversary Celebration, Holiday Shopping Special) and offer, in most cases with no charge/complementary malt beverages, wine or hard liquor.

State Statute 12-1-101(a)(xvi) defines the "sale" of alcohol very broadly:

W.S. 12-1-101(a)(xvi) "sell" or "sale" includes offering for sale, trafficking in, bartering, delivering or dispensing and pouring for a value, exchange for goods, services or patronage or an exchange in any way other than purely gratuitously. Every deliver of any alcoholic liquor or malt beverage made otherwise than by gift consisted a sale.

A business which provides alcohol to customers or guests, even without a monetary charge, is generally viewed by the Wyoming Liquor Division as an incentive to do business at your store, and therefore fits within the definition of a "sale" because the alcohol is provided in exchange for "patronage". For example, if a business hosts an event (which the guests may or may not pay to attend), and where the business serves complementary alcohol, the Liquor Division would consider this a "sale" because the alcohol is provided in exchange for patronage, even if the guests do not buy anything.

According to the liquor division, selling alcohol (as defined by the State Statute) without a license is a "high misdemeanor", punishable by a fine of up to \$1,000 and a year in prison.

Since several events have been brought to our attention, with this letter we are in the process of educating businesses who have provided alcohol as part of their event and what options are available to continue this practice legally.

A Malt Beverage Permit can be obtained by any citizen (\$30/per day) and will allow the entity to serve "free of charge" or "sell for an exchange of funds" malt beverages. There is a limit to the number of malt beverage permits an individual can obtain in a calendar year. A Catering Permit (\$100/day) is needed if the alcoholic beverage is wine or hard liquor and can only be obtained by a Retail License Holder. Typically, the City needs 24-48-hour advance notice to process the application for either permit.

If you have any questions on the regulations or permits, please feel free to contact Cindy Baker, Administrative Services Officer, by calling 307-527-3463 or emailing cindyb@cityofcody.com.

Sincerely;

Barry Cook
City Administrator