

2007 DRAFTING REQUEST

Bill

Received: **02/14/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Newcomer (608) 266-3007**

By/Representing: **Eric**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Newcomer@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Taste samples of fermented malt beverages by retail Class A licensees and by brewers on Class A premises

Instructions:

Wants companion to LRB-1419

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 02/14/2007	jdye 02/14/2007		_____			
/1			jfrantze 02/14/2007	_____	sbasford 02/14/2007	cduerst 02/14/2007	

FE Sent For:

<END>

↪ Not Needed

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/?	agary	1 2/13 jw	2/14	Sell			

FE Sent For:

<END>

Gary, Aaron

From: Pagel, Matt
Sent: Wednesday, February 14, 2007 9:15 AM
To: Gary, Aaron
Subject: RE: Beer Sampling

Yes, Rep. Newcomer, can you send me the jacket for the bill. Thanks.

Matthew Pagel
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
Matt.Pagel@legis.wisconsin.gov

From: Gary, Aaron
Sent: Wednesday, February 14, 2007 8:47 AM
To: Pagel, Matt
Subject: RE: Beer Sampling

Hi Matt,

Did you authorize an assembly member to do a companion to your LRB-1419/4? If so, can you tell me which representative? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Pagel, Matt
Sent: Friday, January 26, 2007 11:11 AM
To: Gary, Aaron
Subject: Beer Sampling

Aaron, here are the three changes I wanted to talk to you about:

- (1) Brewer rep hired to do sampling
- (2) Permission of the retailer
- (3) Change hours of sampling from 10am-6pm to 11am - 7pm.

Give me a call if you want to discuss further, I am also interested to know if you believe this language would clear up questions regarding distributors providing the sampling on behalf of the wholesaler.

Matthew Pagel
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
Matt.Pagel@legis.wisconsin.gov

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2007 BILL

Regen

1 AN ACT *to amend* 125.06 (13) (a), 125.25 (1), 125.29 (3) and 125.32 (6) (a); and
 2 *to create* 125.28 (1) (d) and 125.33 (12) of the statutes; **relating to:** the
 3 provision of taste samples of fermented malt beverages and wine on certain
 4 retail premises.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell fermented malt beverages (beer) at retail, in original packages, containers, and bottles, for consumption only off the licensed premises.

Various provisions of current law also authorize the provision of taste samples under specific circumstances. A brewery may, without any additional license or permit, provide beer free of charge to customers, visitors, and employees on the brewery premises if the beer is consumed on the brewery premises and intoxicating liquor is not also provided or consumed. A winery holding a winery permit may, under the permit, offer on the winery premises taste samples of wine manufactured on the premises to persons who have attained the legal drinking age. The holder of a "Class A" license, which authorizes the retail sale of intoxicating liquor for consumption off the premises in original packages and containers, may, without any additional license or permit, provide two wine taste samples of not more than three fluid ounces each, free of charge, for consumption on the licensed premises between the hours of 10 a.m. and 6 p.m.

BILL

Under this bill, a Class "A" license authorizes a Class "A" licensee to provide, free of charge, between the hours of 11 a.m. and 7 p.m., up to two taste samples per day of beer of not more than three fluid ounces each, for consumption on the Class "A" premises, to customers and visitors who have attained the legal drinking age. The same limitations that otherwise apply to the retail sale of beer also apply to the provision of taste samples.

The bill also allows a brewer to provide, free of charge, on Class "A" premises with the consent of the Class "A" licensee, beer taste samples to any person who has attained the legal drinking age for consumption on these premises. Any such taste samples must be purchased by the brewer from the Class "A" licensee on whose premises the taste samples are provided. The same limitations that apply to Class "A" licensees providing taste samples also apply to brewers providing taste samples on Class "A" premises. A brewer may provide taste samples through an individual representing the brewer who is hired by the brewer and who is neither employed by nor an agent of a wholesaler.

Additionally, the bill modifies the hours during which a "Class A" licensee may provide wine taste samples, changing these hours from 10 a.m. to 6 p.m. to 11 a.m. to 7 p.m.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.06 (13) (a) of the statutes is amended to read:

2 125.06 (13) (a) The provision of wine taste samples of not more than 3 fluid
3 ounces each, free of charge, by a "Class A" licensee to customers and visitors for
4 consumption on the premises. No "Class A" licensee may provide more than 2 taste
5 samples per day to any one person. This subsection applies only between the hours
6 of ~~10~~ 11 a.m. and ~~6~~ 7 p.m. Notwithstanding s. 125.07 (1) (a) 1., no "Class A" licensee
7 may provide taste samples under this subsection to any underage person. No "Class
8 A" licensee may provide as taste samples under this subsection wine that the "Class
9 A" licensee did not purchase from a wholesaler.

10 **SECTION 2.** 125.25 (1) of the statutes is amended to read:

11 125.25 (1) Every municipal governing body may issue Class "A" licenses for the
12 sale of fermented malt beverages from premises within the municipality. Subject to

BILL

1 s. 125.34 (5) and (6), a Class "A" license authorizes retail sales of fermented malt
2 beverages for consumption off the premises where sold and in original packages,
3 containers, and bottles. A Class "A" license also authorizes the licensee to provide,
4 free of charge, to customers and visitors who have attained the legal drinking age
5 fermented malt beverages taste samples that are not in original packages,
6 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on
7 the Class "A" premises. No Class "A" licensee may provide more than 2 taste samples
8 per day to any one person. Taste samples may be provided under this subsection only
9 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter
10 applicable to retail sales of fermented malt beverages by a Class "A" licensee also
11 applies to the provision of taste samples, free of charge, of fermented malt beverages
12 by a Class "A" licensee. A license may be issued after July 1. That license shall expire
13 on the following June 30.

14 **SECTION 3.** 125.28 (1) (d) of the statutes is created to read:

15 125.28 (1) (d) Wholesalers licensed under this section, employees of such
16 wholesalers, and individuals representing such wholesalers may not provide or
17 participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

18 **SECTION 4.** 125.29 (3) of the statutes is amended to read:

19 125.29 (3) ACTIVITIES. Subject to s. 125.34 (2), a brewer may manufacture,
20 possess and store fermented malt beverages on the brewery premises and transport
21 fermented malt beverages between the brewery premises and any depot or
22 warehouse maintained by the brewer for which the brewer has a wholesaler's license
23 issued under s. 125.28. A brewer or individual representing a brewer may also
24 provide taste samples as authorized under s. 125.33 (12).

25 **SECTION 5.** 125.32 (6) (a) of the statutes is amended to read:

Duerst, Christina

From: Knight, Eric
Sent: Wednesday, February 14, 2007 2:36 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1934/1 Topic: Taste samples of fermented malt beverages by retail Class A licensees and by brewers on Class A premises

Please Jacket LRB 07-1934/1 for the ASSEMBLY.