



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0307/1
ARG:ahe/klm/kjf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 433**

February 12, 2018 - Offered by Representative VORPAGEL.

1 **AN ACT** *to renumber and amend* 125.09 (1); *to amend* 125.09 (1) (title), 125.51
2 (3) (b) and 125.68 (4) (c) 3m.; and *to create* 125.09 (1) (b) of the statutes;
3 **relating to:** closing hours for retail sales by wineries, retail sales of
4 intoxicating liquor for consumption off the licensed premises, and consumption
5 of alcohol beverages on certain nonpublic property.

Analysis by the Legislative Reference Bureau

This substitute amendment makes changes relating to the hours in which wineries can make retail sales of wine, allows certain liquor retailers to sell distilled spirits, in any quantity, for off-premises consumption in municipalities that allow such off-premises sales, and generally prohibits a person who owns or is in charge of nonpublic property that is not licensed to sell alcohol beverages from allowing alcohol beverages to be consumed on the property if the person is paid for use of the property for an event.

Under current law, with limited exceptions, no person may sell alcohol beverages at retail unless the person possesses a license or permit authorizing the sale. Except when issued to a winery, a "Class B" license, issued by a municipality, authorizes the retail sale of intoxicating liquor, which includes wine and distilled spirits, for consumption on the licensed premises and also authorizes the retail sale,

in any quantity, of wine in the original package or container for consumption off the licensed premises. In addition, a municipality may, by ordinance, authorize “Class B” licensees to sell, in quantities not exceeding four liters at any one time, distilled spirits in the original package or container for consumption off the licensed premises.

Current law allows a winery to hold a retail “Class B” license, which authorizes the retail sale of wine only. The wine may be sold by the glass or in an open container for on-premises consumption or in the original package or container for off-premises consumption. A winery operating under a retail “Class B” license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m.

This substitute amendment changes the closing hour for wineries operating under a retail “Class B” license from 9 p.m. to midnight, but allows municipalities to establish, by ordinance, more restrictive closing hours for these wineries. For “Class B” licensees other than wineries, the substitute amendment also eliminates the four-liter limit for distilled spirits sales for off-premises consumption in municipalities that, by ordinance, allow such off-premises sales.

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages at that place unless a retail alcohol beverage license has been issued for the place. There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, and churches.

Under this substitute amendment, no owner or person in charge of property that is not a public place and who receives payment for temporary use of the property by another person for a specific event may permit the consumption of alcohol beverages on the property, unless the person has an appropriate retail license or permit. However, there are exceptions to this prohibition similar to those that apply with respect to the consumption of alcohol beverages at a public place. The substitute amendment also clarifies that the public place prohibition discussed above applies on all property, not just on licensed premises.

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

1 **SECTION 1.** 125.09 (1) (title) of the statutes is amended to read:

2 125.09 (1) (title) PUBLIC CONSUMPTION IN PUBLIC PLACE OR ON CERTAIN RENTAL
3 PROPERTY.

4 **SECTION 2.** 125.09 (1) of the statutes is renumbered 125.09 (1) (a) and amended
5 to read:

1 125.09 (1) (a) No owner, lessee, or person in charge of a public place may permit
2 the consumption of alcohol beverages on the ~~premises~~ property of the public place,
3 unless the person has an appropriate retail license or permit.

4 (c) This subsection does not apply to municipalities, buildings and parks owned
5 by counties, regularly established athletic fields and stadiums, school buildings,
6 campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event
7 sponsored by the private college is being held, churches, or premises in a state fair
8 park ~~or clubs~~. ~~This subsection also.~~ Paragraph (a) does not apply to clubs or to the
9 consumption of fermented malt beverages on commercial quadricycles except in
10 municipalities that have adopted ordinances under s. 125.10 (5) (a).

11 **SECTION 3.** 125.09 (1) (b) of the statutes is created to read:

12 125.09 (1) (b) No owner or person in charge of property that is not a public place
13 and who receives payment for temporary use of the property by another person for
14 a specific event may permit the consumption of alcohol beverages on the property,
15 unless the person has an appropriate retail license or permit and the consumption
16 of alcohol beverages occurs on that portion of the property covered by the retail
17 license or permit.

18 **SECTION 4.** 125.51 (3) (b) of the statutes is amended to read:

19 125.51 (3) (b) In all municipalities electing by ordinance to come under this
20 paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be
21 consumed by the glass only on the premises where sold and also authorizes the sale
22 of intoxicating liquor in the original package or container, in ~~multiples not to exceed~~
23 ~~4 liters at any one time, and~~ any quantity, to be consumed off the premises where sold.
24 ~~Wine, however, may be sold for consumption off the premises in the original package~~
25 ~~or otherwise in any quantity.~~ This paragraph does not apply to a winery that has

