

State of Wisconsin



2011 Senate Bill 395

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 200

AN ACT *to renumber and amend* 125.06 (3); *to amend* 125.06 (3) (title) and 125.10 (1); *to repeal and recreate* 139.04 (1); and *to create* 125.02 (6m), 125.06 (3) (a) 2. and 3., (b) and (c) and 125.06 (3m) of the statutes; **relating to: homemade wine and fermented malt beverages.**

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

SECTION 1. 125.02 (6m) of the statutes is created to read:

125.02 (6m) "Homemade," with respect to the making of wine and fermented malt beverages, means wine and fermented malt beverages made by a person's own efforts and not for a commercial purpose, but does not require that the wine or fermented malt beverages be made in the person's home.

SECTION 2. 125.06 (3) (title) of the statutes is amended to read:

125.06 (3) (title) ~~HOMEMADE~~ THE MAKING OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES.

SECTION 3. 125.06 (3) of the statutes is renumbered 125.06 (3) (a) (intro.) and amended to read:

125.06 (3) (a) (intro.) ~~The manufacture of making of homemade wine or fermented malt beverages of any alcoholic content, and the possession, transportation, or storage of homemade wine or fermented malt beverages, by any person at his or her home, farm or place of residence if the wine or fermented malt beverages is to be consumed by that person or his or her family and guests, and if the~~ if all of the following apply:

1. The person manufacturing who makes the wine or fermented malt beverages receives no compensation.

SECTION 4. 125.06 (3) (a) 2. and 3., (b) and (c) of the statutes are created to read:

125.06 (3) (a) 2. The wine or fermented malt beverages are not sold or offered for sale.

3. The total quantity of wine or fermented malt beverages made, in a calendar year, by the person and any other person living in the same household does not exceed 100 gallons if the household has only one person of legal drinking age or 200 gallons if the household has 2 or more persons of legal drinking age.

(b) A person who makes, possesses, transports, or stores homemade wine or fermented malt beverages in compliance with the limitations specified in par. (a) is not a brewer or a manufacturer of wine for purposes of this chapter.

(c) Homemade wine or fermented malt beverages made in compliance with the limitations specified in par. (a) may be consumed by the person who made it and his or her family, neighbors, and friends at any private residence or other private location where the possession and consumption of alcohol is permissible under this chapter, local ordinances, and other applicable law. This paragraph does not apply to licensed premises.

SECTION 5. 125.06 (3m) of the statutes is created to read:

125.06 (3m) THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR COMPETITIONS OR EXHIBI-

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

TIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition, if the exhibition, demonstration, judging, tasting, sampling, contest, or competition is held at a private residence or on a licensed premises. Homemade wine or fermented malt beverages used for purposes described in this paragraph, including the submission or consumption of such wine or fermented malt beverages, are not considered sold or offered for sale under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result of an exhibition, demonstration, judging, tasting, or sampling is not considered compensation under sub. (3) (a) 1., but no fee may be charged for consumption of the homemade wine or fermented malt beverages at the exhibition, demonstration, judging, tasting, sampling, contest, or competition.

(b) Notwithstanding ss. 125.14 (5), 125.315, 125.32 (6) (a), 125.34 (2) and (5), and 125.67, a person who is not a licensee under this chapter may at a private residence, and a person who is a licensee under this chapter may on the licensed premises, conduct, sponsor, or host a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) if the person does not sell the wine or fermented malt beverages and, unless the person is the maker of the wine or fermented malt beverages, does not acquire any ownership interest in the wine or fermented malt beverages. No fee may be charged for consumption of homemade wine or fermented malt beverages at the contest, competition, or other event. If the contest, competition, or other event is held on licensed premises, the licensee may allow the homemade wine or fermented malt beverages to be

stored on the premises if the homemade wine or fermented malt beverages are clearly identified and kept separate from any alcohol beverages owned by the licensee. If the contest, competition, or other event is held on licensed premises, the provisions of ss. 125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or fermented malt beverages. If the contest, competition, or other event is held on licensed premises, the licensee shall comply with all provisions of this chapter and local ordinances that would apply if the fermented malt beverages or wine were not homemade, except those provisions made specifically inapplicable under this paragraph.

SECTION 5m. 125.10 (1) of the statutes is amended to read:

125.10 (1) AUTHORIZATION. Any municipality may enact regulations incorporating any part of this chapter and may prescribe additional regulations for the sale of alcohol beverages, not in conflict with this chapter. The municipality may prescribe forfeitures or license suspension or revocation for violations of any such regulations. Regulations providing forfeitures or license suspension or revocation must be adopted by ordinance. Any municipality may, by ordinance, regulate contests, competitions, or other events for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages.

SECTION 6. 139.04 (1) of the statutes, as affected by 2011 Wisconsin Act (Assembly Bill 290), is repealed and recreated to read:

139.04 (1) Wine, as defined in s. 125.02 (22), or fermented malt beverages made in compliance with the limitations specified in s. 125.06 (3) (a), (3g), (3r), or (4).

SECTION 7. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.
