



2013 ASSEMBLY BILL 344

August 27, 2013 - Introduced by Representatives KLEEFISCH, ZAMARRIPA, SANFELIPPO, BIES, HONADEL and BEWLEY, cosponsored by Senators OLSEN, JAUCH, VINEHOUT and LEHMAN. Referred to Committee on State Affairs.

- 1 **AN ACT to create** 125.51 (2) (am) and 125.54 (3) of the statutes; **relating to:** taste
2 samples of intoxicating liquor provided on certain retail licensed 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 retail sale of fermented malt beverages (beer), in original packages, for consumption off the licensed premises. A "Class A" license authorizes the retail sale of intoxicating liquor, including wine, in original packages, for consumption off the licensed premises.

Current law authorizes a Class "A" licensed retailer, under its retail license, to provide taste samples of beer on the Class "A" licensed premises, subject to various restrictions. Current law also contains an exception to the license or permit requirement allowing a "Class A" licensed retailer to provide wine taste samples on the "Class A" licensed premises, subject to various restrictions.

This bill authorizes a "Class A" licensed retailer, under its retail license, to provide taste samples of intoxicating liquor that is not wine (distilled spirits) on its "Class A" licensed premises. Taste samples of distilled spirits may not exceed three, 0.5 fluid ounce taste samples per person per day and may be provided only between the hours of 11 a.m. and 7 p.m. The bill also specifies that representatives of intoxicating liquor manufacturers, rectifiers, wineries, or out-of-state shippers may assist the "Class A" retailer in dispensing or serving these taste samples of distilled

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spirits, but wholesalers may not assist or participate in providing taste samples of either distilled spirits or wine.

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

1 **SECTION 1.** 125.51 (2) (am) of the statutes is created to read:

2 125.51 **(2)** (am) In addition to the authorization under par. (a) and s. 125.06
3 (13), a “Class A” license authorizes the licensee to provide, free of charge, to
4 customers and visitors who have attained the legal drinking age, taste samples of
5 intoxicating liquor other than wine that are not in original packages or containers
6 and that do not exceed 0.5 fluid ounces each, for consumption on the “Class A”
7 premises. No “Class A” licensee may provide more than 3 such taste samples per day
8 to any one person. Taste samples may be provided under this paragraph only
9 between the hours of 11 a.m. and 7 p.m. Any representative of a manufacturer,
10 rectifier, winery, or out-of-state shipper issued a permit under s. 125.52, 125.53, or
11 125.58 may assist the “Class A” licensee in dispensing or serving the taste samples.
12 No “Class A” licensee may provide as taste samples under this paragraph
13 intoxicating liquor other than wine that the “Class A” licensee did not purchase from
14 a wholesaler.

15 **SECTION 2.** 125.54 (3) of the statutes is created to read:

16 125.54 **(3)** TASTE SAMPLES ON “CLASS A” PREMISES. Wholesalers holding a permit
17 issued under this section, employees of such wholesalers, and individuals
18 representing such wholesalers may not assist or participate in providing taste
19 samples under s. 125.06 (13) (a) or 125.51 (2) (am).

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(END)