



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3300/1
ARG:jld

2015 ASSEMBLY BILL 642

January 7, 2016 - Introduced by Representatives BALLWEG, BERCEAU, CONSIDINE, DANOU, KITCHENS, KREMER, SINICKI, SKOWRONSKI, SUBECK and TAUCHEN. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to amend* 125.53 (1) of the statutes; **relating to:** retail licenses held by
2 wineries.

Analysis by the Legislative Reference Bureau

This bill allows a winery to hold a second license to sell wine at retail.

Current law generally prohibits a winery from having a direct or indirect interest in a "Class A" or "Class B" retail license or establishment, except that a winery may hold one retail license, which may be either a "Class A" license or a "Class B" license. A "Class A" license authorizes the retail sale of intoxicating liquor (wine and distilled spirits) for consumption off the premises in original packages and containers. A "Class B" license issued to a winery authorizes the retail sale of wine to be consumed by the glass or in opened containers on the licensed premises and authorizes the retail sale of wine in the original package or container to be consumed off the licensed premises. A winery may obtain a retail license for the winery premises or for other real estate owned or leased by the winery. If a "Class A" license or "Class B" license has been issued to a winery, the winery may provide wine made by the winery directly to its own "Class A" or "Class B" licensed premises, without the wine first passing through a wholesaler.

This bill authorizes a winery to hold two retail licenses, which may be "Class A" licenses or "Class B" licenses or one "Class A" license and one "Class B" license. Each retail license may be issued for the winery premises or for a location away from

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the winery premises. As under current law, a winery may provide its own wine to its own retail licensed premises without the wine first passing through a wholesaler.

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

1 **SECTION 1.** 125.53 (1) of the statutes is amended to read:

2 125.53 (1) The department shall issue only to a manufacturing winery in this
3 state that holds a valid certificate issued under s. 73.03 (50) a winery permit
4 authorizing the manufacture and bottling of wine on the premises covered by the
5 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also
6 authorizes the permittee to, on the winery premises and without obtaining a
7 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to
8 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding
9 a permit under this section may offer on the premises taste samples of wine
10 manufactured on the premises to persons who have attained the legal drinking age.
11 A permittee under this section may also have ~~either one~~ 2 "Class A" license licenses
12 ~~or one~~ 2 "Class B" license, ~~but not both.~~ The licenses, or a combination of "Class A"
13 and "Class B" licenses, not exceeding a total of 2 such licenses for each winery permit.
14 Any "Class A" license or "Class B" license may ~~either~~ be issued for the winery
15 premises or for real estate owned or leased by a location away from the winery
16 premises. If a "Class A" or "Class B" liquor license has also been issued to the winery,
17 the winery may provide wine manufactured, mixed, or blended on the winery
18 premises directly to the "Class A" or "Class B" premises and may offer the taste
19 samples on the "Class A" or "Class B" premises. A winery holding a permit under this
20 section may also make retail sales and provide taste samples on county or district fair

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1 fairgrounds as provided in s. 125.51 (10), but this wine sold at retail or provided as

2 taste samples shall be purchased from a wholesaler holding a permit under s. 125.54.

3 (END)