



2001 SENATE BILL 11

January 12, 2001 - Introduced by Senator CHVALA, by request of Rick Horstman..
Referred to Committee on Insurance, Tourism, and Transportation.

- 1 **AN ACT to amend** 125.035 (3); and **to create** 125.68 (8m) of the statutes; **relating**
2 **to:** intoxicating-liquor pouring devices and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires intoxicating liquor to be served from original containers of the manufacturer.

This bill requires the use of pouring devices when dispensing intoxicating liquor for sale. The bill defines "pouring device" as an accurate measuring device that, when properly used, dispenses only a specific fluid volume. The bill requires any person holding a "Class B" license or permit (which authorizes the retail sale of intoxicating liquor for on-premises consumption) to do all of the following:

1. Ensure that pouring devices are used for all alcohol beverages served on the premises.
2. Ensure that all pouring devices on the premises are in good working order.
3. Display on the premises a menu of every intoxicating liquor included in each alcohol beverage served on the premises. The bill also prohibits any person from selling or serving an alcohol beverage that differs from the facts shown on the posted menu, unless that person informs the consumer of the type, volume, and ethyl alcohol concentration of the alcohol beverage.

The bill also does all of the following:

1. Prohibits any person from misusing a pouring device in a manner that prevents the pouring device from automatically terminating the dispensing.
2. Specifies that failure to comply with any requirements related to a pouring device or to a statement of the alcohol content of an alcohol beverage is not considered

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causing consumption of alcohol by force or a representation that a beverage contains no alcohol; and therefore that failure does not waive the "Class B" licensee's or permittee's immunity from civil liability arising out of the act of selling, dispensing, or giving away alcohol beverages to another person.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.035 (3) of the statutes is amended to read:

2 125.035 (3) Subsection (2) does not apply if the person procuring, selling,
3 dispensing, or giving away alcohol beverages causes their consumption by force or
4 by representing that the beverages contain no alcohol. A violation of s. 125.68 (8m)
5 is not considered causing consumption by force or a representation that a beverage
6 contains no alcohol.

7 **SECTION 2.** 125.68 (8m) of the statutes is created to read:

8 125.68 (8m) POURING DEVICES REQUIRED. (a) In this subsection, "pouring device"
9 means a measuring device through which intoxicating liquor is dispensed for
10 consumption, that when used according to its manufacturer's directions
11 automatically dispenses only a specific volume of intoxicating liquor, and that is
12 accurate to within 0.0625 fluid ounce or 2 milliliters.

13 (b) No person holding a "Class B" license or permit may allow any person on
14 the premises to sell, dispense, or give away any intoxicating liquor that is not
15 dispensed from a pouring device. No person holding a "Class B" license or permit may
16 allow on the premises any pouring device that is defective or altered in any manner
17 that prevents the pouring device from automatically terminating the dispensing.
18 This paragraph does not apply to the sale of wine or of unopened containers.

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1 (c) A person holding a "Class B" license or permit shall prominently display on
2 the premises a menu stating the type, volume, and ethyl alcohol concentration of any
3 alcohol contained within an alcohol beverage. No person may sell, dispense, or give
4 away any alcohol beverage that differs from the menu unless that person first
5 informs the person who intends to consume the alcohol beverage of the type, volume,
6 and ethyl alcohol concentration of any alcohol contained within the alcohol beverage.
7 This paragraph applies only to alcohol beverages that are blended on the premises.

8 (d) No person may dispense on "Class B" premises any intoxicating liquor using
9 a pouring device in a manner that prevents the pouring device from automatically
10 terminating the dispensing.

11 (e) This subsection does not apply to samples furnished under s. 125.65 (1) or
12 125.70.

13 (f) For purposes of this paragraph, all violations of this subsection committed
14 on the same day shall be counted as one violation. Upon convicting a person of
15 violating this subsection, a court may require a violator to forfeit not less than \$500
16 nor more than \$1,000 and shall do one of the following:

17 1. Suspend for one day any license or permit issued to the violator, if the person
18 has not been convicted of a violation of this subsection committed within the previous
19 12 months.

20 2. Suspend for 2 to 7 days any license or permit issued to the violator, if the
21 person has been convicted of violating this subsection one time within the previous
22 12 months.

23 3. Suspend for 15 to 30 days any license or permit issued to the violator, if the
24 person has been convicted of violating this subsection 2 times within the previous 12
25 months.

