



2013 ASSEMBLY BILL 855

March 10, 2014 - Introduced by Representatives BALLWEG, BROOKS, A. OTT, RINGHAND, RODRIGUEZ, SHANKLAND, SPIROS, C. TAYLOR and WRIGHT, cosponsored by Senators GROTHMAN and OLSEN. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to amend** 125.25 (1), 125.29 (3) (f) and 125.29 (3) (g); and **to create** 125.25
2 (5) and 125.29 (3) (k) and (L) of the statutes; **relating to:** authorized activities
3 of Class A beer retailers and of brewers.

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 containers, for consumption off the licensed premises.

This bill authorizes Class "A" beer retailers to also sell beer in refillable and resealable containers that are filled and sealed on the retail licensed premises.

Under current law, a brewer holding a brewer's permit may, among other activities authorized under its brewer's permit: 1) manufacture, bottle, package, and store beer on the brewery premises; 2) sell and deliver the brewer's own beer to wholesalers; 3) if the brewer produces 300,000 or fewer barrels of beer per year, sell and deliver its own beer to retailers; and 4) sell at retail, without a retail license, the brewer's own beer and other Wisconsin-made beer at the brewery premises and at one off-site retail outlet of the brewer.

This bill authorizes a brewer, at the request of a customer, to package and sell at retail, on brewery premises or at the brewer's off-site retail outlet, the brewer's

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own beer and other Wisconsin-made beer in refillable containers exceeding 24 ounces in volume.

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

1 **SECTION 1.** 125.25 (1) of the statutes is amended to read:

2 125.25 (1) Every municipal governing body may issue Class “A” licenses for the
3 sale of fermented malt beverages from premises within the municipality. A Class “A”
4 license authorizes retail sales of fermented malt beverages for consumption off the
5 premises where sold and in original packages, containers, and bottles or in refillable
6 and resealable containers that are filled and sealed on the licensed premises. A Class
7 “A” license also authorizes the licensee to provide, free of charge, to customers and
8 visitors who have attained the legal drinking age fermented malt beverages taste
9 samples that are not in original packages, containers, or bottles and that do not
10 exceed 3 fluid ounces each, for consumption on the Class “A” premises. No Class “A”
11 licensee may provide more than 2 taste samples per day to any one person. Taste
12 samples may be provided under this subsection only between the hours of 11 a.m. and
13 7 p.m. Any other provision of this chapter applicable to retail sales of fermented malt
14 beverages by a Class “A” licensee also applies to the provision of taste samples, free
15 of charge, of fermented malt beverages by a Class “A” licensee. A license may be
16 issued after July 1. That license shall expire on the following June 30.

17 **SECTION 2.** 125.25 (5) of the statutes is created to read:

18 125.25 (5) No permit under s. 125.29 or 125.295 is required for a licensee under
19 this section to fill containers with fermented malt beverages as provided in sub. (1).

20 **SECTION 3.** 125.29 (3) (f) of the statutes is amended to read:

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1 125.29 (3) (f) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale to
2 individuals of fermented malt beverages, in original unopened packages or
3 containers or in containers packaged under par. (k), that have been manufactured
4 on the brewery premises or on other premises of the brewer for off-premise
5 consumption by individuals, if the sale occurs at the brewery premises or at an
6 off-site retail outlet established by the brewer.

7 **SECTION 4.** 125.29 (3) (g) of the statutes is amended to read:

8 125.29 (3) (g) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of
9 fermented malt beverages, for on-premise consumption or for off-premise
10 consumption in original unopened packages or containers or in containers packaged
11 under par. (L), that have been manufactured on another brewery premises in this
12 state if the fermented malt beverages have been purchased by the brewer from a
13 wholesaler holding a permit under s. 125.28 or from another brewery located in this
14 state that manufactures 300,000 or less barrels of beer in a calendar year.

15 **SECTION 5.** 125.29 (3) (k) and (L) of the statutes are created to read:

16 125.29 (3) (k) The packaging in refillable containers exceeding 24 ounces in
17 volume, at the request of a customer and on brewery premises or an off-site retail
18 outlet established by the brewer, of fermented malt beverages that have been
19 manufactured by the brewer.

20 (L) The packaging in refillable containers exceeding 24 ounces in volume, at
21 the request of a customer and on brewery premises or an off-site retail outlet
22 established by the brewer, of fermented malt beverages that have been
23 manufactured on another brewery premises in this state if the fermented malt
24 beverages have been purchased by the brewer from a wholesaler holding a permit

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SECTION 5

1 under s. 125.28 or from another brewery located in this state that manufactures
2 300,000 or less barrels of beer in a calendar year.

3 (END)