



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-3533/1  
ARG:emw&wlj

## 2023 ASSEMBLY BILL 304

June 8, 2023 - Introduced by Representatives VOS, AUGUST, SWEARINGEN and ZIMMERMAN, cosponsored by Senators LEMAHIEU, FEYEN and TESTIN. Referred to Committee on State Affairs.

1     **AN ACT to repeal** 125.06 (13), 125.28 (2) (e), 125.29 (2) (b) 1. and 2., 125.29 (3)  
2           (g), 125.51 (3) (am), 125.51 (3m) (a), 125.52 (7) and 125.68 (4) (c) 3m.; **to**  
3     **renumber** 125.02 (16), 125.04 (8), 125.29 (2) (b) 3. and 125.58 (2); **to renumber**  
4     **and amend** 125.02 (6), 125.045 (2), 125.045 (3), 125.09 (1), 125.29 (3) (h),  
5           125.30 (3), 125.33 (9), 125.52 (1) (b) 1., 125.52 (1) (b) 2. and 125.53 (1); **to amend**  
6           125.02 (12), 125.02 (13), 125.02 (14m), 125.02 (23), 125.03 (title), 125.03 (1) (a),  
7           125.03 (1) (b), 125.03 (2), 125.04 (3) (a) (intro.), 125.04 (3) (a) 1., 125.04 (3) (b),  
8           125.04 (3) (bm) (intro.), 125.04 (3) (c), 125.04 (3) (d) 1., 125.04 (3) (d) 2., 125.04  
9           (3) (e) 2., 125.04 (3) (h), 125.04 (3) (j), 125.04 (4), 125.04 (5) (a) 5., 125.04 (5) (d)  
10          1., 125.04 (5) (d) 2., 125.04 (5) (d) 3. a., 125.04 (6) (g), 125.04 (8) (title), 125.04  
11          (8) (b), 125.04 (12) (a), 125.045 (title), 125.045 (1), 125.06 (1), 125.06 (3g), 125.06  
12          (11m), 125.07 (1) (b) 4., 125.07 (3) (a) 3., 125.07 (3) (a) 10., 125.07 (3) (a) 16.,  
13          125.07 (4) (f) 3., 125.105 (1), 125.12 (1) (a), 125.12 (1) (c), 125.12 (4) (title), 125.12  
14          (4) (ag) (intro.), 125.12 (5) (title), 125.12 (5) (a), 125.12 (5) (b), 125.12 (5) (c),

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1 125.12 (6) (a), 125.12 (6) (b), 125.12 (6) (c), 125.12 (6) (cm), 125.12 (6) (d), 125.12  
2 (6) (dm), 125.12 (6) (e), 125.13, 125.14 (2) (c), 125.14 (2) (d), 125.14 (2) (e), 125.14  
3 (2) (f), 125.14 (3) (b), 125.145, 125.15 (1), 125.17 (6) (a) (intro.), 125.19 (1), 125.20  
4 (5) (c) and (d), 125.26 (2m), 125.26 (2s) (b), 125.27 (1) (a), 125.27 (2) (a) 1. (intro.),  
5 125.27 (2) (a) 2., 125.27 (3) (b), 125.27 (5) (b) and (f), 125.275 (1), 125.275 (2) (b),  
6 125.275 (3), 125.28 (1) (a), 125.28 (1) (b), 125.28 (2) (b) (intro.), 125.28 (2) (b) 1.  
7 a., 125.28 (2) (b) 1. b., 125.28 (2) (b) 1. c., 125.28 (2) (b) 2., 125.28 (4), 125.28 (5)  
8 (b), 125.28 (5) (d) 3., 125.28 (5) (e), 125.29 (1), 125.29 (3) (intro.), 125.29 (3) (c),  
9 125.29 (3) (e), 125.29 (3) (f), 125.29 (3) (i), 125.29 (6), 125.295 (1) (intro.), 125.295  
10 (1) (a), 125.295 (1) (g), 125.295 (2) (a) 1., 125.295 (2) (a) 2., 125.295 (2) (a) 4.,  
11 125.295 (2) (a) 6. (intro.), 125.295 (2) (a) 6. a., 125.295 (2) (a) 6. b., 125.295 (2)  
12 (a) 6. c., 125.295 (2) (b), 125.295 (2) (c), 125.295 (4), 125.295 (5), 125.30 (1),  
13 125.30 (2), 125.30 (4), 125.30 (5), 125.32 (2), 125.32 (6) (a), 125.33 (2) (a), 125.33  
14 (2) (d), 125.33 (12), 125.34 (6), 125.51 (1) (a), 125.51 (2) (am), 125.51 (2) (e) 3.,  
15 125.51 (3) (a), 125.51 (3) (b), 125.51 (3) (bm), 125.51 (3) (bs) 2., 125.51 (3) (f),  
16 125.51 (3m) (c), 125.51 (3r) (a) 3., 125.51 (3r) (b), 125.51 (4) (a) 1., 125.51 (4) (e)  
17 1., 125.51 (5) (a) 1., 125.51 (5) (a) 4., 125.51 (5) (b) 2., 125.51 (5) (b) 4., 125.51  
18 (5) (c) 1., 125.51 (5) (d) 2., 125.51 (5) (f) 2. and 5., 125.52 (1) (a), 125.52 (2),  
19 125.535 (1), 125.535 (2), 125.535 (3) (b) 2., 125.535 (3) (c), 125.54 (1), 125.54 (3),  
20 125.54 (5), 125.54 (6), 125.54 (7) (a) 2., 125.54 (7) (c) 3., 125.54 (7) (d), 125.545  
21 (title), 125.545 (1) (a), 125.545 (1) (d), 125.545 (1) (e), 125.545 (2) (a) 1., 125.545  
22 (2) (a) 3. b., 125.545 (2) (b), 125.545 (2) (c), 125.545 (3) (a) 1., 125.545 (3) (a) 2.,  
23 125.545 (3) (b), 125.545 (3) (c), 125.545 (4), 125.545 (5), 125.545 (6) (title) and  
24 (a) 1. and 2., 125.545 (6) (a) 3., 125.545 (6) (a) 4., 125.545 (6) (b), 125.545 (7),  
25 125.55 (1), 125.56 (2) (a), 125.56 (2) (c), 125.56 (2) (d), 125.58 (1), 125.60 (1),

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1           125.61 (1), 125.61 (3), 125.61 (4), 125.62 (1), 125.62 (3), 125.63 (1), 125.63 (3),  
2           125.65 (1), 125.65 (4) (intro.), 125.65 (4) (e), 125.65 (6), 125.65 (10), 125.68 (2),  
3           125.68 (4) (c) 1., 125.68 (4) (c) 3., 125.68 (9) (f), 125.68 (10) (a) and (b), 125.69  
4           (4) (e), 125.69 (7), 139.01 (4), 139.01 (6), 139.03 (5) (a), 139.04 (4), 139.06 (3),  
5           139.08 (3), 139.08 (4), 139.11 (1), 139.11 (4) (a) 2., 139.11 (4) (b) 2., 139.22, 139.25  
6           (9), 185.043 (2), 227.52 (1), 230.08 (2) (e) 11. and 346.657 (1); **to repeal and**  
7           **recreate** 125.25 (2) (b), 125.26 (2) (b), 125.29 (2) (a) and 125.69 (1); and **to**  
8           **create** 15.433 (2), 19.42 (13) (q), 20.923 (4) (c) 7., 125.02 (1g), 125.02 (5g), 125.02  
9           (6) (b), 125.02 (6d), 125.02 (6g), 125.02 (16) (bm), 125.025, 125.04 (3) (k), 125.04  
10          (8) (b), 125.045 (2) (b), 125.045 (3) (b), 125.09 (1) (b) and (c), 125.11 (3), 125.12  
11          (4) (ag) 9., 125.12 (5) (bm), 125.175, 125.20, 125.21, 125.22, 125.23, 125.24,  
12          125.27 (7), 125.28 (2) (b) 1. g., h. and i., 125.28 (2) (b) 1. j., 125.29 (2) (a) 6., 125.29  
13          (3) (dm), 125.29 (3) (h) 3., 125.29 (7) and (8), 125.295 (1) (fm), 125.295 (2) (a) 6.  
14          g., 125.30 (2) (d), 125.30 (3) (b), 125.30 (3) (c), 125.30 (3) (c) 5., 125.32 (3m) (L),  
15          125.33 (2) (hr), 125.33 (9) (c), 125.51 (3) (bg), 125.51 (4) (v) 5., 125.52 (1) (b) 3.,  
16          4. and 5., 125.52 (4) and (5), 125.53 (1) (a) 3., 4., 5. and 6., 125.53 (3) and (4),  
17          125.535 (3) (b) 3., 125.535 (3) (d) and (e), 125.535 (7), 125.545 (1) (ar), 125.545  
18          (1) (cm), 125.545 (1) (em), 125.545 (2) (a) 4., 125.545 (3) (a) 2m., 125.545 (6) (a)  
19          2m., 125.545 (6) (a) 3m., 125.58 (2) (b) and (c), 125.58 (5), 125.69 (1) (a) 5., (b)  
20          5., (c) 9. and (d) 5., 125.69 (9), 139.01 (2p) and 139.08 (5) of the statutes;  
21          **relating to:** creating the Division of Alcohol Beverages attached to the  
22          Department of Revenue; the regulation of alcohol beverages and enforcement  
23          of alcohol beverage laws; interest restrictions relating to, and authorized  
24          activities of, brewers, brewpubs, wineries, manufacturers, rectifiers,  
25          wholesalers, and retailers; shipping alcohol beverages by means of fulfillment

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1 houses and common carriers; the consumption of alcohol beverages in a public  
2 place; creating a no-sale event venue permit; creating an operator's permit;  
3 liquor licenses transferred from one municipality to another; retailers'  
4 authorized activities; liquor license quotas; the safe ride program; the presence  
5 of underage persons and conduct of other business on licensed premises; the  
6 occupational tax on alcohol beverages; repealing a rule promulgated by the  
7 Department of Revenue; granting rule-making authority; and providing a  
8 penalty.

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***Analysis by the Legislative Reference Bureau***

This bill does all of the following:

1. Creates the Division of Alcohol Beverages (division) attached to the Department of Revenue and transfers DOR's alcohol beverage regulation and enforcement functions to the division.

2. Makes changes relating to the retail sales authority of brewers, wineries, manufacturers, and rectifiers, as well as changes relating to other authorized activities of brewers, wineries, manufacturers, and rectifiers.

3. Expands or modifies the authority of brewers, wineries, manufacturers, and rectifiers to provide free taste samples on retail premises.

4. Increases the limits on the amount of fermented malt beverages (beer) a brewpub may manufacture and self-distribute.

5. Makes changes relating to restrictions on holding certain common interests applicable to manufacturers, rectifiers, wineries, brewers, brewpubs, wholesalers, and retailers.

6. Specifies requirements for certain production arrangements between alcohol beverage producers.

7. Creates permits issued to, and imposes requirements and restrictions on, fulfillment houses and common carriers.

8. Makes changes relating to the state's jurisdiction over out-of-state persons holding Wisconsin alcohol beverage permits and persons who unlawfully ship alcohol beverages into another state.

9. Modifies provisions relating to the consumption of alcohol beverages in a public place and creates a no-sale event venue permit issued by the division to property owners authorizing the permittee to rent real property for use as an event venue at which beer and wine are consumed, on no more than six days per year, if certain requirements are met. The bill also creates a liquor license quota exception for qualifying persons who opt to obtain a retail license instead of a no-sale event venue permit.

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10. Allows “Class C” retail licenses to be issued to establishments other than restaurants.

11. Modifies the applicable penalty when a beer retailer purchases beer from a source other than a wholesaler.

12. Broadens membership eligibility and operational authority of cooperative wholesalers and allows new cooperative wholesalers to be formed for a limited period.

13. Eliminates the limit on the number of manufacturers’, rectifiers’, or liquor wholesalers’ permits one person may hold and allows a beer wholesaler to transfer its wholesaler’s permit to a different location within the state.

14. Increases the amount of the safe ride program surcharge and requires municipalities to provide information to retailers about the safe ride program.

15. Makes changes relating to the occupational tax liability of producers of alcohol beverages.

16. Changes the definition of “fermented malt beverages.”

17. Establishes a \$500 fee for permits issued by the division if no fee is currently charged for the permit.

18. Creates an operator’s permit issued by the division that is similar to an operator’s license (commonly referred to as a bartender’s license) issued by a municipality.

19. Allows a municipality to transfer a retail liquor license that is subject to the quota system to another municipality in the same county.

20. Creates a closing hour exception for certain retailers in southeast Wisconsin during a 2024 national political convention.

21. Modifies a licensing exception applicable to beer provided on brewery premises.

22. Allows a retail license to be issued for an axe throwing facility and allows an underage person, without a parent or guardian, to be on these licensed premises.

23. Specifies that, subject to certain conditions, a “Class B” retailer may prepare and store mixed drinks up to 48 hours prior to sale to consumers.

***Background***

Under current law, alcohol beverages are generally distributed to consumers under a three-tier distribution system: the producer sells to a wholesaler, the wholesaler sells to a retailer, and the retailer sells to a consumer. With specific exceptions, no person may sell outside the three-tier system and no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Also under current law, DOR issues permits to alcohol beverage producers that authorize specified activities, while municipalities issue retail licenses to alcohol beverage retailers. With limited exceptions, a retail licensee may not purchase alcohol beverages from, or possess alcohol beverages purchased from, any person other than a wholesaler.

Under current law, Class “A” and “Class A” licenses authorize the retail sale of, respectively, beer and intoxicating liquor in original packages for consumption off the licensed premises. Intoxicating liquor includes wine and distilled spirits. Class “A” and “Class A” licenses are often issued together for grocery stores or liquor stores.

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A Class “B” license authorizes the retail sale of beer for consumption on or off the premises. Except when issued to a winery, a “Class B” license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to restrictions, the retail sale of intoxicating liquor for consumption off the licensed premises. Class “B” and “Class B” licenses are often issued together for restaurants or taverns. A “Class C” license, which may be issued only for a restaurant, authorizes the retail sale of wine for consumption on the premises.

Under current law, DOR issues permits to manufacturers (commonly referred to as distillers), rectifiers, wineries, brewers, and brewpubs. DOR also issues permits to beer wholesalers, intoxicating liquor wholesalers, out-of-state beer shippers, and out-of-state intoxicating liquor shippers. Out-of-state shippers are suppliers located outside this state that ship alcohol into this state. DOR also issues direct wine shippers’ permits to in-state and out-of-state wineries that authorize the permittee to ship wine directly to individuals in this state. In addition, DOR issues Class “B” and “Class B” retail permits under limited circumstances.

***Division of Alcohol Beverages***

The bill creates the division, attached to DOR, and transfers DOR’s alcohol beverage regulation and enforcement functions, including issuance of alcohol beverage permits, to the division. The bill also creates within the division separate bureaus dedicated to enforcement, legal services, and education and community outreach. The administrator of the division may appoint special agents and other employees necessary to carry out the permitting, audit, education, legal, and enforcement functions of the division. The administrator and employees of the division may not be employed by or have a financial interest in the alcohol beverage industry and are subject to the standards of conduct and conflict of interest prohibitions for state public officials.

***Retail sales by brewers, wineries, manufacturers, and rectifiers***

Under current law, a brewer’s permit issued by DOR authorizes the brewer to, among other activities, manufacture beer and, if the brewer manufactures 300,000 or fewer barrels of beer per year, self-distribute its beer directly to retailers. A brewer’s permit also authorizes the brewer to sell at retail, without a retail license, at the brewery premises and at one off-site retail outlet 1) the brewer’s own beer, for consumption on or off the premises; 2) certain other Wisconsin-made beer, for consumption on or off the premises, if the brewer purchases the beer from a wholesaler or another brewer; and 3) intoxicating liquor, for consumption on the premises, if the brewer held a retail intoxicating liquor license on June 1, 2011, and if the brewer purchases the intoxicating liquor from a wholesaler. The brewer may also provide free taste samples at the brewery premises and the brewer’s off-site retail outlet. A brewer may not hold a retail beer license. A brewer may not operate a restaurant except at the brewery premises and the brewer’s off-site retail outlet.

Under current law, a winery permit issued by DOR authorizes the winery to, among other activities, manufacture wine and provide taste samples of its wine on the winery premises. A winery may also hold one retail license—either a “Class A” or “Class B” license—which may be issued for the winery premises or another location, but the winery may not hold other specified retail interests. A “Class B”

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license issued to a winery is limited compared to other “Class B” licenses because it authorizes the retail sale of wine for consumption on or off the premises but does not authorize the retail sale of distilled spirits. A “Class B” license may be issued to a winery only if the winery is capable of producing at least 5,000 gallons of wine per year in no more than two locations. If a retail license is issued to a winery, the winery may provide wine made by the winery directly to its own retail premises, without the wine first passing through a wholesaler.

Under current law, a manufacturer’s permit or rectifier’s permit issued by DOR authorizes the permittee to, respectively, manufacture or rectify intoxicating liquor. Current law prohibits a manufacturer or rectifier from holding an interest in a retail liquor license, but a manufacturer’s permit or rectifier’s permit authorizes the manufacturer or rectifier to make retail sales, without a retail license, of intoxicating liquor manufactured or rectified on the manufacturer’s or rectifier’s premises, for consumption on or off the premises. Subject to limitations, a manufacturer or rectifier may also provide free taste samples of intoxicating liquor manufactured or rectified on the premises, for consumption on the premises.

The bill eliminates most current law provisions relating to retail sales authority for brewers, wineries, manufacturers, and rectifiers and replaces them with provisions creating a more uniform standard of retail sales authority for these producers. Under the bill, a brewer, winery, manufacturer, or rectifier (producer) may, under its division-issued permit, make retail sales on the production premises and establish full-service retail outlets depending on the producer’s production volume. The bill authorizes a producer to make retail sales of its own products on the production premises, for on-premises or off-premises consumption. If the producer meets specified production thresholds, the bill also allows the producer to engage in full-service retail sales on the production premises and to establish from one to three full-service retail outlets away from the production premises at which full-service retail sales may be made. “Full-service retail sales” are sales of beer and intoxicating liquor, for on-premises or off-premises consumption, and the provision of taste samples. Alcohol beverages not produced by the producer must be purchased from a wholesaler or other person authorized to distribute the alcohol beverages under current law. To operate a full-service retail outlet, a producer must obtain approval from the division, which the division must grant unless the producer has violated a provision of law related to full-service retail outlets. In addition, a producer may not commence sales of alcohol beverages at a full-service retail outlet unless, prior to commencing such sales, the producer receives approval from the municipality in which the retail outlet is located. Applications for a municipality’s approval must be made on a form prescribed by the division. A municipality’s approval must be based on the same standards and criteria that the municipality has established by ordinance for the evaluation and approval of retail license applications. A municipality may limit the scope of alcohol beverages offered for sale at a full-service retail outlet only with respect to alcohol beverages that are not of the same type as those produced by the producer. Retail sales on the production premises and at full-service retail outlets must be supervised by the permit holder or a person holding an operator’s license or operator’s permit (discussed further

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below). A producer may operate a restaurant at any full-service retail outlet and on the production premises.

Under the bill, if a brewer is not eligible to establish a full-service retail outlet, the brewer maintains the current-law authorization to establish an off-site retail outlet at which it may sell its own beer for on-premises or off-premises consumption. In addition, if the brewer held a retail intoxicating liquor license on June 1, 2011, for its brewery premises or an off-site retail outlet, the brewer may make retail sales of intoxicating liquor for on-premises consumption at this formerly licensed location.

The bill eliminates the authorization for a winery to hold a retail license, which authorization is replaced with the retail sales authority described above. The bill also eliminates the prohibition against a brewer operating a restaurant in a location other than the brewery premises and the brewer's off-site retail outlet.

***Closing hours for retail sales by brewers, wineries, manufacturers, and rectifiers***

Under current law, with limited exceptions, a retailer operating under a Class "B" or "Class B" license may not remain open between the hours of 2 a.m. and 6 a.m. on weekdays or between 2:30 a.m. and 6 a.m. on Saturday and Sunday, and a municipality may not impose different closing hours by ordinance. The hours during which a Class "B" licensed retailer may make sales for off-premises consumption are more limited, with these sales prohibited from midnight to 6 a.m., although a municipality may, by ordinance, impose more restrictive hours for these sales. Current law does not specify closing hours or permissible hours of sale for retail sales by brewers, manufacturers, or rectifiers.

Under the bill, a full-service retail outlet of a producer is subject to the same closing hours, and restrictions on the hours in which sales for off-premises consumption may be made, that are applicable to a Class "B" licensee in the same municipality with respect to all alcohol beverages sold at the retail outlet. These limitations also apply to the producer's production premises, except that the production premises are not required to be closed for nonretail activities. The bill also specifies that no member of the public or invited guests may be present on the production premises during the closing hours applicable to a Class "B" licensee.

Under current law, a winery operating under a "Class B" license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m.

The bill eliminates this earlier closing hour for a winery.

***Other authorized activities of brewers, wineries, manufacturers, and rectifiers***

Under the bill, the permit of a brewer, winery, manufacturer, or rectifier also authorizes the following activities:

1. The transportation by the producer of its alcohol beverages between the production premises and any depot, warehouse, or full-service retail outlet maintained by the producer or other premises for which the producer holds a permit.

2. The sale, shipment, transportation, and delivery, or the sale or transfer, of the producer's alcohol beverages, in bulk or in any state of packaging, to another producer holding a permit that allows production of the same type of alcohol beverages.



**ASSEMBLY BILL 304*****Producers providing taste samples on retail premises***

Current law allows Class “A” and “Class A” licensees to provide free taste samples to customers for consumption on the licensed premises, subject to various restrictions such as the size and number of taste samples and hours during which they may be provided. As part of their retail sales authority, Class “B,” “Class B,” and “Class C” licensees may also provide taste samples for consumption on the premises.

Under current law, a brewer may provide free taste samples on Class “A” licensed premises for consumption on the premises, subject to the same limitations applicable to the Class “A” licensee in providing taste samples, including hours and size and number of samples. In addition, the brewer must purchase from the Class “A” licensee the beer that the brewer provides as taste samples.

The bill creates additional authority, and modifies existing authority, for a brewer, winery, manufacturer, or rectifier to provide taste samples on retail licensed premises with the consent of the retail licensee. Under the bill, a winery, manufacturer, or rectifier may provide free taste samples of intoxicating liquor on “Class A,” “Class B,” or “Class C” premises, not exceeding two 3-ounce samples of wine per day per person and one 0.5-ounce sample of distilled spirits per day per person. A brewer may provide free taste samples of beer on Class “A” or Class “B” premises, not exceeding two 3-ounce samples of beer per day per person. A brewer, winery, manufacturer, or rectifier may provide the taste samples to any person who has attained the legal drinking age for consumption on the premises between the hours of 11 a.m. and 7 p.m. The taste samples must be either 1) purchased by the brewer, winery, manufacturer, or rectifier from the retail licensee or 2) produced by the brewer, winery, manufacturer, or rectifier and brought to the retail premises. However, a brewer, winery, manufacturer, or rectifier may not leave at the retail premises any unused alcohol beverages not purchased from the retail licensee.

The bill also eliminates a provision under which a municipality may prohibit a “Class A” licensee from offering free taste samples of wine on its licensed premises.

***Brewpubs***

Under current law, a person is eligible for a brewpub permit issued by DOR if the person meets certain requirements, including that 1) the person manufactures not more than 10,000 barrels of beer per year and 2) the person operates on the brewpub premises a restaurant for which a retail license is issued and in which the brewpub sells, in addition to its own beer, the beer of another brewer. A brewpub permit authorizes, among other activities, 1) the manufacture of up to 10,000 barrels of beer per year, but the entire manufacturing process must occur on brewpub premises; 2) the retail sale of alcohol beverages through retail licenses issued for the brewpub’s restaurant; and 3) the annual distribution of up to 1,000 barrels of the brewpub’s beer to retailers.

The bill increases, from 10,000 to 20,000 barrels per year, the amount of beer that a brewpub may manufacture and eliminates the requirement that the entire manufacturing process occur on brewpub premises. The bill also authorizes a brewpub to annually distribute up to 2,000 barrels of the brewpub’s beer to retailers. Also under the bill, to meet the requirement that it sell beer other than its own in its

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restaurant, a brewpub may sell beer manufactured by another brewpub rather than a brewer.

The bill also authorizes a brewpub to sell, ship, transport, and deliver, in bulk or in any state of packaging, beer manufactured by the brewpub to another brewpub.

***Interest restrictions***

Current law imposes restrictions on the issuance of alcohol beverage licenses and permits and the interests that such licensees or permittees may hold in other licensees or permittees. For example, a Class “B” license may not be issued to a brewer or a beer wholesaler, and a beer wholesaler’s permit may not be issued to a brewer or Class “B” licensee. As another example, a manufacturer, rectifier, or winery may not hold any direct or indirect interest in any wholesale permit or establishment. Current law includes many similar provisions, which generally prohibit one type of licensee or permittee from having a direct or indirect interest in specified other types of licensees or permittees. DOR has promulgated a rule used to implement some of these statutory interest restrictions, which include definitions and examples of direct and indirect interests.

The bill modifies these existing interest restriction provisions. In general, the bill expands these provisions to explicitly apply to “cross-tier” interests, such as a beer wholesaler’s interest in a winery permit or a winery’s interest in a retail beer license. The bill also standardizes language among the various interest restriction provisions, partly by adopting the phrase “an interest in” rather than “a direct or indirect interest in” or “a direct or indirect ownership interest in” and partly by explicitly stating whether the interest restriction applies to retail licensees, retail permittees, beer wholesalers, liquor wholesalers, brewers, brewpubs, wineries, manufacturers and rectifiers, out-of-state beer shippers, and out-of-state liquor shippers. The bill also incorporates the new interest restriction exceptions discussed below. The bill further repeals the DOR rule that guides determinations relating to interest restrictions.

In addition to these changes to existing interest restriction provisions, the bill creates new provisions relating to interest restrictions and creates exceptions to interest restrictions. The bill specifies all of the following:

1. No production permittee may hold any interest in any distribution permittee or in any retail licensee or permittee, except as authorized under current law for a brewpub.

2. No distribution permittee may hold any interest in any retail licensee or permittee or any interest in any production permittee, with an exception for a beer wholesaler holding an interest in a brewer on July 1, 2011.

3. No retail licensee or permittee may hold any interest in any distribution permittee or in any production permittee, except as authorized under current law for a brewpub.

For purposes of these provisions, employment in a nonmanagerial capacity for an alcohol beverage licensee or permittee is not an interest in that licensee or permittee.

The bill defines a “production permittee” as a person holding a permit issued to a brewer, brewpub, manufacturer, rectifier, or winery; a brewer in another state

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that holds an out-of-state beer shipper's permit; a manufacturer, rectifier, or winery in another state that holds an out-of-state liquor shipper's permit; or a restricted individual of any such person. A "restricted individual" is an individual who 1) is identified on a manager's license or who works or acts in a managerial capacity for an alcohol beverage permittee or licensee; 2) serves as an officer, director, member, manager, or agent of a corporation or limited liability company that holds an alcohol beverage permit or license; or 3) holds more than a 10 percent ownership interest in an alcohol beverage permittee or licensee. The bill defines a "distribution permittee" as a person holding a beer or liquor wholesaler's permit or a restricted individual of such a person. The bill defines a "retail licensee or permittee" as a person holding a Class "A," Class "B," "Class A," "Class B," or "Class C" license, a Class "B" or "Class B" permit, or a no-sale event venue permit (discussed further below), or a restricted individual of any such person. The bill also defines a "restricted entity" as an entity holding more than a 10 percent ownership interest in an alcohol beverage permittee or licensee. The bill defines a "restricted investor" as a restricted individual or restricted entity.

The bill also specifies the following three situations, applicable to both new and existing interest restriction provisions under the bill, in which interests are explicitly authorized:

1. An alcohol beverage licensee or permittee may be owned in part by, or grant an ownership interest to, a restricted investor in a different tier if specified requirements are satisfied, including that no restricted investor holds more than a 10 percent ownership interest or is involved in day-to-day operations and the aggregate amount of ownership held by all restricted investors does not exceed 49 percent. Each restricted investor must execute an affidavit swearing to a lack of involvement in the day-to-day operations of the licensee or permittee. A restricted investor who materially violates a representation in the affidavit may be required to forfeit not more than \$1,000.

2. An alcohol beverage licensee or permittee, or a restricted individual of a licensee or permittee, may enter into a landlord-tenant relationship with another licensee or permittee operating in a different tier if specified requirements are satisfied, including that the landlord has no control over or day-to-day involvement in the business of the tenant.

3. A spouse may have an interest in the alcohol beverage license or permit of the other spouse if specified requirements are satisfied, including that the marriage is governed by a marital property agreement or prenuptial agreement and both spouses execute an affidavit swearing to a lack of involvement in the day-to-day operations of each respective business. A spouse who materially violates a representation in the affidavit may be required to forfeit not more than \$1,000.

As discussed above, the bill also eliminates the authority of a winery to hold a retail license and provisions allowing this common interest.

***Tied house restrictions***

Current law prohibits a brewer, brewpub, or beer wholesaler from furnishing anything of value to a Class "B" licensee, but there are numerous exceptions to this prohibition.

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The bill creates an exception under which a brewer, brewpub, or beer wholesaler may enter into a landlord-tenant relationship with a Class “B” licensee if the same requirements are satisfied that are referenced in item 2, above, relating to interest restrictions and landlord-tenant relationships.

***Production agreements***

The bill specifies authority for a brewer, brewpub, winery, manufacturer, or rectifier (producer) to produce alcohol beverages by means of contract production, alternating proprietorship, or licensing agreement and further specifies certain requirements for and consequences of such an arrangement. These arrangements must be established by written agreement, which generally may be entered into only by producers holding the same type of producer’s permit.

The bill defines “contract production” as a contract, agreement, or business arrangement whereby a recipe producer or out-of-state recipe supplier provides consideration to a contract producer for the production, bottling, or labeling of alcohol beverages. In a contract production arrangement, the “contract producer” manufactures, bottles, or labels the alcohol beverages, which are purchased from the contract producer by the “recipe producer” or “out-of-state recipe supplier.” A recipe producer, with an exception, holds the same type of Wisconsin permit as the contract producer, while an out-of-state recipe supplier is a person located in another state that produces alcohol beverages in that state.

The bill specifies that alcohol beverages produced under a contract production arrangement between a contract producer and recipe producer count toward the production volume of the recipe producer, except they may not be considered for purposes of determining a producer’s retail sales authority (discussed above). The recipe producer is considered the producer for purposes of taxation and reporting to the division.

The bill defines an “alternating proprietorship” as an arrangement in which a host producer provides use of space and equipment, and may additionally provide personnel, to a guest producer for the production of alcohol beverages. In this arrangement, a “host producer” provides its production facility to a “guest producer” for the guest producer to use to produce the guest producer’s alcohol beverages. The bill specifies that alcohol beverages produced under an alternating proprietorship count toward the production volume of the guest producer, and the guest producer is considered the producer for purposes of taxation and reporting to the division.

The bill defines a “licensing agreement” as an agreement between a licensor and a producer for the production of alcohol beverages containing the name, symbol, or mark of the licensor. A producer may enter into a written licensing agreement with a licensor authorizing the producer-licensee to use the licensor’s trademark or name if the producer-licensee is entirely responsible for producing the alcohol beverages and for all related processing steps and regulatory requirements.

The bill also specifies that a producer entering into a contract production arrangement, alternating proprietorship arrangement, or licensing agreement does not act as an agent for or in the employ of another with respect to certain provisions of current law.

**ASSEMBLY BILL 304*****Common carrier shipments***

The bill prohibits a common carrier from transporting or delivering alcohol beverages into or within this state, other than to an alcohol beverage licensee or permittee, unless the common carrier first obtains a permit from the division. This permit authorizes a common carrier only to transport or deliver into or within this state wine on behalf of a person holding a Wisconsin direct wine shipper's permit, which generally may be an in-state or out-of-state winery, or on behalf of a person holding a fulfillment house permit (discussed below). A common carrier must pay an annual permit fee of \$1,000. A common carrier that fails to obtain a permit prior to commencing delivery of alcohol beverages in this state is subject to a fine of not more than \$10,000. A common carrier that ships alcohol beverages other than wine obtained from a direct wine shipper permittee or fulfillment house permittee is subject to a forfeiture of not more than \$2,000, and the division must revoke the common carrier's permit if the common carrier violates this prohibition in more than one month during a calendar year.

The bill also requires a common carrier that holds a common carrier permit to submit a monthly report to the division that includes all of the following information for each shipment of alcohol beverages during the preceding month: 1) the name and address of the manufacturer of the alcohol beverages; 2) the name and address of the consignor of the shipment, if different from the manufacturer; 3) the name and address of the consignee of the shipment; 4) the date of the shipment; 5) the type and quantity of alcohol beverages shipped to the consignee, as reported to the common carrier; and 6) the parcel tracking number for the shipment. The division must keep confidential the name and address of the consignee and the parcel tracking number, but other information in the reports is not confidential and is subject to the public records law. A common carrier required to submit reports under the bill must maintain for three years all records related to the reports. A common carrier that fails to submit a required report is subject to a forfeiture of not more than \$2,000.

***Fulfillment houses and direct wine shipping***

Under current law, DOR may issue a direct wine shipper's permit to any person that manufactures and bottles wine on premises covered by a winery permit, manufacturer's permit, or rectifier's permit issued by DOR; a winery license issued by another state; or a federal winery permit. A direct wine shipper's permit issued by DOR authorizes the permittee to ship wine directly to an individual in this state who is of the legal drinking age, who acknowledges receipt of the wine shipped, and who is not intoxicated at the time of delivery.

Current law, with limited exceptions, prohibits a person from shipping alcohol beverages into this state unless the person holds an out-of-state shipper's permit issued by DOR and the alcohol beverages are shipped to an in-state wholesaler. However, one exception allows an out-of-state winery to ship wine directly to a consumer in this state if the winery holds a direct wine shipper's permit.

The bill requires a person operating a fulfillment house to obtain from the division a fulfillment house permit for each location that is involved in the process of shipping wine to Wisconsin residents. A "fulfillment house" is defined as any entity, whether located in this state or elsewhere, that handles logistics, including

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warehousing, packaging, order fulfillment, or shipping services, on behalf of a direct wine shipper permittee for wine that is eligible to be shipped to individuals in this state. A person holding a fulfillment house permit may provide services only for the warehousing, packaging, order fulfillment, and shipment of alcohol beverages produced by and belonging to a direct wine shipper permittee.

Under the bill, a fulfillment house permittee must ensure that all containers of wine shipped directly to an individual in this state are labeled with all of the following information: 1) the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; 2) the name, address, and permit number of the fulfillment house permittee; and 3) the name, address, and permit number of the direct wine shipper permittee on whose behalf the wine is shipped.

The bill prohibits a fulfillment house permittee from shipping into this state wine from any person not holding a direct wine shipper's permit. A fulfillment house permittee may ship wine into this state only by using a common carrier that holds a common carrier permit issued by the division. Prior to shipping wine to an individual in this state, a fulfillment house permittee must verify the validity of the direct wine shipper's permit and common carrier permit associated with the direct-to-consumer shipment. A fulfillment house that fails to obtain a required fulfillment house permit is subject to a fine of not more than \$10,000. A fulfillment house that ships alcohol beverages other than wine obtained from a direct wine shipper permittee is subject to a forfeiture of not more than \$2,000. The division must revoke the permit of a fulfillment house that violates this prohibition in more than one month during a calendar year.

The bill requires a fulfillment house permittee to submit a monthly report to the division that includes all of the following information for each shipment of alcohol beverages during the preceding month: 1) the name and address of the manufacturer of the alcohol beverages; 2) the name and address of the consignor of the shipment, if different from the manufacturer; 3) the name and address of the consignee of the shipment; 4) the date of the shipment; 5) the type and quantity of alcohol beverages shipped to the consignee; and 6) the parcel tracking number for the shipment. The division must keep confidential the name and address of the consignee and the parcel tracking number, but other information in the reports is not confidential and is subject to the public records law. A fulfillment house required to submit reports under the bill must maintain for three years all records related to the reports. A fulfillment house that fails to submit a required report is subject to a forfeiture of not more than \$2,000.

The bill allows a direct wine shipper permittee (including a Wisconsin winery holding such a permit) to arrange with a fulfillment house to ship wine on the direct wine shipper permittee's behalf only if the fulfillment house holds a fulfillment house permit. The bill also requires a direct wine shipper permittee to use a common carrier holding a common carrier permit in shipping any container of wine directly to an individual in this state.

The bill also creates a fulfillment house exception to the current law provision that generally prohibits any person from shipping alcohol beverages into this state

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unless the person holds an out-of-state shipper's permit issued by DOR and the alcohol beverages are shipped to an in-state wholesaler.

The bill also specifies that a direct wine shipper permittee may ship directly to an individual in this state only wine manufactured or bottled by the permittee.

***Jurisdiction over out-of-state permittees; violation of another state's law***

Current law provides for the issuance of the following alcohol beverage permits to persons located outside this state: 1) an out-of-state beer shipper's permit; 2) an out-of-state liquor shipper's permit; and 3) a direct wine shipper's permit. Subject to various restrictions, an out-of-state beer shipper's permit authorizes a person located outside this state to ship beer into this state to a person holding a beer wholesaler's permit. An out-of-state liquor shipper's permit, subject to various restrictions, authorizes a person located outside this state to ship intoxicating liquor into this state to a person holding a liquor wholesaler's permit, a manufacturer's or rectifier's permit, or a winery permit. As discussed more fully above, a direct wine shipper's permit authorizes direct-to-consumer wine shipments from in-state or out-of-state wineries to individuals in this state.

The bill requires holders of out-of-state beer shippers' permits, out-of-state liquor shippers' permits, and direct wine shippers' permits who are located outside of this state to consent to jurisdiction in this state for proceedings to enforce this state's alcohol beverage laws. These permittees must also accept service of process for proceedings in this state to enforce this state's alcohol beverage laws. To this end, these permittees must satisfy specified requirements relating to appointing and maintaining in this state an agent for service of process. The bill also includes other provisions relating to requirements imposed on these permittees.

The bill also authorizes the division to revoke or suspend an alcohol beverage license or permit if the licensee or permittee ships alcohol beverages into another state in violation of that state's law.

***Consumption of alcohol beverages in a public place***

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages on the premises of the public place unless the person has an appropriate retail license. Current law does not define "public place" for purposes of this provision, but current law defines "premises" as the area described in an alcohol beverage license or permit. There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, and churches, and also for municipalities and clubs.

The bill specifies that, for purposes of this prohibition, a "public place" includes a venue, location, open space, room, or establishment that is 1) accessible and available to the public to rent for an event or social gathering; 2) held out for rent to the public for an event or social gathering; or 3) made available for rent to a member of the public for an event or social gathering. However, a public place does not include any of the following: 1) a room in a hotel, motel, or bed and breakfast that is used for overnight accommodations; 2) vacation rental property, or other property of temporary lodging, that is used for overnight accommodations if the property is furnished with sufficient beds for all adult guests to sleep; 3) a campsite on a campground; 4) a parking lot, driveway, or yard where vehicles may be parked on the

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same day as a professional or collegiate sporting event or other ticketed event open to the public; or 5) property within a local professional football stadium or baseball park district if the property is used in connection with, and on the same day as, a professional football or baseball game, or other ticketed event open to the public, held at the football stadium or baseball park.

The bill also allows an owner or other person in charge of a public place to permit the consumption of alcohol beverages if the person has obtained a no-sale event venue permit issued by the division (discussed below). The bill further clarifies that the public place prohibition discussed above applies on all property, not just on licensed premises.

***No-sale event venue permit***

The bill creates a no-sale event venue permit issued by the division to property owners authorizing the permittee to rent or lease real property for use as an event venue at which beer and wine are consumed on no more than six days per year and one day per month. A permittee may not sell or otherwise provide alcohol beverages to the renter or lessee of the event venue or a guest or attendee of the event, nor may the permittee allow any person to possess distilled spirits on the event venue when the event venue is being used by a renter or lessee. Subject to certain restrictions, a no-sale event venue permit authorizes the permittee to do any of the following: 1) allow the renter or lessee of the event venue to bring the renter's or lessee's own beer and wine onto the event venue and serve it to guests without charge; 2) allow the guests of the renter or lessee to bring beer and wine onto the event venue to be consumed by the guests without charge; 3) allow the renter or lessee to obtain temporary Class "B" and "Class B" licenses for an event held on the event venue and sell beer and wine under the temporary licenses on the event venue; or 4) allow the renter or lessee to contract with a licensed caterer for the caterer to provide beer and wine to the renter or lessee and guests without charge on the event venue. If the renter or lessee contracts with a caterer, the renter or lessee and guests may not bring alcohol beverages onto the event venue. The renter or lessee must first purchase the beer and wine in a face-to-face transaction on the caterer's retail licensed premises. The caterer may then deliver and serve the alcohol beverages at the event venue, but service must be performed by licensed bartenders.

Under the bill, the lessee or renter of an event venue may not sell any alcohol beverages to guests or attendees of an event on the event venue, including charging admission for an event at which alcohol beverages are served, unless the lessee or renter has obtained a temporary retail license. The lessee or renter may not allow any person to possess distilled spirits on the event venue. If there are 20 or more people on the event venue, service of beer and wine must be performed by a licensed bartender.

A no-sale event venue permit may be issued to a person who holds a retail license but may not be issued to a person who holds a permit as a brewer, brewpub, winery, manufacturer or rectifier, beer wholesaler, liquor wholesaler, out-of-state beer shipper, or out-of-state liquor shipper.



**ASSEMBLY BILL 304*****Quota exception for certain persons opting out of no-sale event venue permit***

Current law imposes a quota on the number of “Class B” licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality’s population. Current law also provides a limited number of quota exceptions.

The bill creates a quota exception for an event venue that the division has certified as meeting specified criteria. Under the bill, a “qualifying event venue” is defined as real property that is rented or leased for use as an event venue for private events, and, under the definition, in the prior 12-month period, there must have been at least five events held at the venue at which at least 50 invited guests attended and the venue owner must have received at least \$20,000 in revenue from renting or leasing the venue for these events. Upon application, the division must certify an owner of a qualifying event venue as eligible for the quota exception if 1) the venue is and has been in operation for the 12-month period preceding the application; 2) the venue has not been a retail licensed premises during this 12-month period; 3) the venue owner has not applied for a no-sale event venue permit; 4) the venue owner provides documentation that the municipality in which the venue is located has reached its liquor license quota; 5) the venue owner provides documentation showing, and the division confirms, that the venue meets the definition of a qualifying event venue and has been in operation as described in item 1 above; and 6) the venue owner provides notice to the division within 60 days after the bill’s effective date that the owner is applying for a “Class B” license and is not seeking a no-sale event venue permit. The division must act on an application for certification within 30 days of the application. A municipality may issue for a certified venue an above-quota “Class B” license under this quota exception only if the license application is received by approximately six months after the bill’s effective date. In general, if a “Class B” license issued under this quota exception is revoked or not renewed, the municipality may not reissue the license. However, the municipality may reissue the license under certain circumstances if the event venue property or business is sold.

***“Class C” retail licenses***

Under current law, a “Class C” license may be issued for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and that either does not have a barroom or has a barroom in which wine is the only intoxicating liquor sold. A “Class C” license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the retail premises. A “Class C” license may not be issued to a foreign corporation or a foreign limited liability company.

The bill eliminates the limitation that a “Class C” license may be issued only for a restaurant. The bill also removes the prohibition on issuing a “Class C” license to a foreign corporation or foreign LLC.

***Retailer purchases of beer from nonwholesaler***

Under current law, with exceptions for certain sales of beer by brewers and brewpubs, a retail licensee may not purchase alcohol beverages from, or possess alcohol beverages purchased from, any person other than a wholesaler. If a retail

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licensee purchases or possesses beer in violation of this prohibition, the penalty that may be imposed is a fine of not more than \$10,000 or imprisonment for not more than nine months or both.

The bill changes this penalty. If a retail licensee purchases or possesses beer in violation of the prohibition, the penalty that may be imposed (or must be imposed if item 3, below, applies) is one of the following:

1. If a Class “B” licensee purchases beer from a Class “A” licensee for resale or possesses beer purchased from a Class “A” licensee for resale, a fine of not more than \$100.

2. If item 1 does not apply and the total volume of beer purchased or possessed in one month is 4,320 fluid ounces (15 cases) or less, a forfeiture of not more than \$100.

3. If neither item 1 nor item 2 applies, a fine of not more than \$10,000 or imprisonment for not more than nine months or both.

***Cooperative wholesalers***

Under current law, between October 1 and December 31, 2008, DOR was authorized to issue liquor wholesalers’ permits to small winery cooperatives (cooperative wholesalers). DOR was limited to issuing a total of six such permits. Only wineries certified by DOR as small wineries can be members of a cooperative wholesaler. A “small winery” is defined as a winery that produces and bottles less than 25,000 gallons of wine in a calendar year. The only alcohol beverage product a cooperative wholesaler can sell and distribute is the wine of its members, and this wine can be sold or distributed only to retailers or other wholesalers.

The bill changes the definition of a small winery so that a winery that produces and bottles in a calendar year less than 50,000 gallons of wine, rather than 25,000 gallons, may be a member of a cooperative wholesaler.

The bill also allows manufacturers and rectifiers that produce and bottle less than 50,000 gallons of intoxicating liquor in a calendar year to be members of a cooperative wholesaler. The cooperative wholesaler may sell and distribute the intoxicating liquor of its members. The bill allows for the formation of new cooperative wholesalers for approximately six months after the bill’s effective date, but the division may not issue new wholesalers’ permits that cause the total number of wholesalers’ permits issued to cooperative wholesalers to exceed six.

***Eliminating the permit limit for manufacturers, rectifiers, and wholesalers***

Under current law, DOR may not issue more than two manufacturers’ or rectifiers’ permits to any one person, and DOR may not issue more than two liquor wholesalers’ permits to any one person.

The bill eliminates this two-permit limit for manufacturers’ and rectifiers’ permits and liquor wholesalers’ permits.

***Transfer of beer wholesaler’s permit to a different location***

Current law specifies that most alcohol beverage licenses and permits may be transferred to a different location within the same municipality, but certain permits, including an intoxicating liquor wholesaler’s permit, may be transferred to a different location within the state.

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The bill specifies that a beer wholesaler's permit may be transferred to a different location within the state, not just within the same municipality.

***Safe ride program***

Current law imposes a safe ride program surcharge of \$50 upon a person convicted of operating a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in one's blood, or with a prohibited alcohol concentration. The bill increases the amount of the safe ride program surcharge to \$75.

The bill also requires a municipality to provide to a person initially issued a Class "B," "Class B," or "Class C" license information regarding the safe ride program.

***Occupational taxes on alcohol beverages***

Under current law, the state imposes an occupational tax on selling intoxicating liquor in this state. An occupational tax is also imposed upon the removal for consumption or sale of beer. However, no tax is imposed on the sale or shipment of beer by a brewer to a bottler or of intoxicating liquor in bulk between manufacturers, rectifiers, and wineries. A manufacturer that ships intoxicating liquor in bulk to a rectifier for the purpose of bottling or rectifying must affix a label or statement that the shipment is made for the purpose of bottling or rectifying.

The bill specifies that no occupational tax is imposed on the sale or shipment of beer between brewers or on the sale or shipment of intoxicating liquor, whether in bulk or any state of packaging, between manufacturers, rectifiers, and wineries. The bill further specifies that a manufacturer or rectifier shipping intoxicating liquor to another manufacturer or rectifier, whether in bulk or in any state of packaging, must affix a label or statement that the shipment is a tax-exempt transfer.

***Definition of fermented malt beverages***

Under current law, alcohol beverages that do not meet the definition of fermented malt beverages are considered intoxicating liquor. "Fermented malt beverages" are defined as any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

The bill expands the definition of a fermented malt beverage to include any beverage that is recognized under federal regulations as beer, except sake or similar products.

***Leaving restaurant with unfinished bottle of wine***

Current law allows a restaurant holding a "Class B" or "Class C" retail license to allow a customer to take from the licensed premises an opened, unfinished bottle of wine if certain requirements are satisfied, including that, prior to the opened, partially consumed bottle of wine being removed from the licensed premises, the restaurant securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle.

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The bill allows an opened, unfinished bottle of wine to be removed from the restaurant if, among the other requirements, it is recapped with the original cap, rather than recorked.

The bill also allows, subject to the same requirements applicable to a retailer, an opened, unfinished bottle of wine to be removed from a restaurant at a full-service retail outlet of a brewer, winery, manufacturer, or rectifier if the full-service retail outlet is authorized to sell wine.

***Permit fees***

Under current law, with some exceptions, fees for alcohol beverage permits issued by DOR are not established by statute. DOR has established fees for some, but not all, permits issued by DOR.

The bill establishes an annual permit fee of \$500 for any permit for which DOR has not previously established a fee.

***Operators' permits issued by the division***

Under current law, municipalities issue operators' licenses. An operator's license is valid in the municipality that issued it. Although a person is not required to hold an operator's license to provide alcohol beverages on retail licensed premises, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

The bill requires the division to issue operators' permits. An operator's permit is subject to the same standards for issuance as an operator's license and is the functional equivalent of an operator's license except that an operator's permit is valid throughout Wisconsin.

***Transfers of retail liquor licenses from one municipality to another***

Current law imposes a quota on the number of "Class B" liquor licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality's population. For purposes of the quota system, a reserve "Class B" license is a "Class B" liquor license first issued on or after December 1, 1997. Current law allows a municipality to transfer a reserve "Class B" liquor license to another municipality that is contiguous with, or within two miles of, the transferring municipality. The receiving municipality may then issue the license for a premises within that municipality. The quota of the transferring municipality is decreased, and the quota of the receiving municipality is increased, for each license transferred. A municipality may transfer no more than three reserve "Class B" licenses in this manner.

The bill eliminates the restriction that a municipality may only transfer a reserve "Class B" liquor license to a contiguous municipality or a municipality located within two miles of the transferring municipality. Instead, the bill allows a municipality to transfer a reserve "Class B" liquor license to another municipality located in the same county as the transferring municipality.

**ASSEMBLY BILL 304*****Retail closing hours during a national political convention***

As discussed above, current law generally requires a Class “B” or “Class B” licensed retailer to be closed between the hours of 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturday and Sunday. The closing hours for a “Class C” licensed retailer are generally the same as those for a “Class B” licensed retailer. As discussed above, the bill establishes the same closing hours for a producer’s full-service retail outlets and prohibits retail sales of alcohol beverages during these hours on the producer’s production premises.

The bill creates a closing hour exception, during a 2024 national political convention in Milwaukee, for Class “B,” “Class B,” and “Class C” licensed retailers, and for producers’ full-service retail outlets and production premises, located in Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County. Under the bill, during the convention period, the closing hours are between 4 a.m. and 6 a.m. However, a municipality may designate a retailer or producer as ineligible or disqualified for the extended closing hour and may, by ordinance, opt out of the extended closing hour during the convention. The bill does not affect the hours during which a retailer or producer may make sales for off-premises consumption.

***Licensing exception for beer provided on brewery premises***

Current law includes various licensing exceptions under which a person may provide alcohol beverages to the public without obtaining a license or permit. One exception allows the furnishing, by brewers, of beer free of charge to customers, visitors, and employees on the brewery premises if the beer is consumed on the brewery premises.

The bill removes from this exception the requirement that the beer be consumed on the brewery premises.

***Retail licenses for, and underage persons at, axe throwing facilities***

Current law generally prohibits the issuance of a Class “B” license for any premises where another business is conducted. Because a Class “B” license is a prerequisite for a “Class B” license, this provision also affects “Class B” licensed premises. There are, however, exceptions to the prohibition, including for a movie theater, a painting studio, and a “bowling center or recreation premises.”

The bill creates an exception allowing a Class “B” license to be issued for an axe throwing facility. The bill defines “axe throwing facility” as an establishment that provides customers with a venue to engage in the activity of axe throwing and that 1) derives at least 51 percent of its revenue from fees associated with axe throwing or 2) maintains at the venue at least five axe throwing lanes.

Under current law, with various exceptions, a person who is under 21 years of age and not accompanied by his or her parent, guardian, or spouse of legal drinking age (unaccompanied underage person) may not enter or be on any premises for which a retail license is issued. Among the various exceptions, an unaccompanied underage person may enter or be on a licensed premises that is a bowling center, movie theater, painting studio, golf course, or any of the following if certain criteria are met: billiard center, indoor golf simulator facility, indoor golf and baseball facility, athletic field, indoor or outdoor volleyball court, or private fishing farm.

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The bill creates an additional exception allowing an unaccompanied underage person to enter or be on a Class “B” or “Class B” licensed premises that is an axe throwing facility.

***Preparation and storage of premixed cocktails by “Class B” retailers***

Under current law, a “Class B” license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises or, if sold in a tamper-evident container sealed by the licensee, for consumption off the licensed premises (commonly referred to as “cocktails-to-go”). (See the Background section above for further discussion of a “Class B” licensee’s authorization and limitations.) Current law prohibits any person from refilling an original container that had previously been used for intoxicating liquor containing 21 percent or more of alcohol by volume and from possessing a refilled original container on “Class B” licensed premises.

Under current law, DOR may, by rule, prescribe the standard size, form, or character of any container in which intoxicating liquor is sold, but DOR may not set the size of containers in which distilled spirits are sold at a capacity greater than 1.75 liters. DOR’s rules prohibit, with exceptions, a manufacturer, rectifier, wholesaler, or retailer from possessing distilled spirits in a container that is more than 1.75 liters in capacity.

Also under current law, a person may not operate as a rectifier without holding a rectifier’s permit issued by DOR. A “rectifier” includes a producer engaged in blending, mixing, or bottling intoxicating liquor.

The bill provides express authority for a “Class B” licensee to prepare, store, and dispense mixed drinks prior to their retail sale for on-premises consumption or as a cocktail-to-go. However, there are some limitations on this authority. Under the bill, a “Class B” licensee may, on the licensed premises, prepare, store, and dispense mixed drinks, prior to such a retail sale, if all of the following apply: 1) the mixed drink is provided to the consumer in a glass or other container not exceeding 72 ounces in volume; 2) the mixed drink has not been stored for more than 48 hours; 3) if the mixed drink is stored in or dispensed from a container exceeding 1.75 liters in volume (bulk container), the bulk container does not exceed 5 gallons in volume and is labeled in compliance with the requirements set forth below; 4) the licensee has complied with the current law requirement that intoxicating liquor may be purchased only from a wholesaler; 5) the licensee has complied with the current law prohibition against refilling liquor bottles or possessing refilled liquor bottles and has also not stored the mixed drink in or dispensed the mixed drink from a wine bottle; and 6) the licensee has complied with any other applicable state or federal food safety regulation and also with any federal alcohol regulation, which currently imposes limitations on premixing cocktails and on activities involving distilled spirits in containers exceeding one gallon. The bill creates an exception to the current law limitation on a retailer’s possession of distilled spirits in a container exceeding 1.75 liters and specifies that a “Class B” licensee that prepares, stores, or dispenses mixed drinks in compliance with the bill’s requirements is not a rectifier.

Under the bill, the division must prescribe the form of the label to be used by “Class B” licensees for bulk containers in which mixed drinks are stored or from which they are dispensed. This form must require the licensee to disclose on the label

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that the container holds a batch of premixed drinks and the date and time the batch was prepared; the “expiration date” of the batch (the date and time that is 48 hours after the batch was prepared); the words “contains alcohol”; the name of the person who prepared the batch; and the ingredients of the batch, unless the label contains a recipe title and the recipe, with a complete ingredient list, is maintained on the licensed premises and available for inspection.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

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

1           **SECTION 1.** 15.433 (2) of the statutes is created to read:

2           15.433 (2) DIVISION OF ALCOHOL BEVERAGES. (a) There is created a division of  
3 alcohol beverages attached to the department of revenue under s. 15.03. The  
4 administrator of the division shall be appointed outside the classified service. The  
5 administrator of the division shall be nominated by the secretary of revenue and with  
6 the advice and consent of the senate appointed, to serve at the pleasure of the  
7 secretary of revenue.

8           (b) There is created within the division of alcohol beverages separate bureaus  
9 dedicated to enforcement, legal services, and education and community outreach,  
10 with each bureau headed by a director who reports to, and serves at the pleasure of,  
11 the division administrator.

12           **SECTION 2.** 19.42 (13) (q) of the statutes is created to read:

13           19.42 (13) (q) The administrator and employees of the division of alcohol  
14 beverages.

15           **SECTION 3.** 20.923 (4) (c) 7. of the statutes is created to read:

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1           20.923 (4) (c) 7. Revenue, department of; division of alcohol beverages:  
2 administrator.

3           **SECTION 4.** 125.02 (1g) of the statutes is created to read:

4           125.02 (1g) “Axe throwing facility” means an establishment that provides  
5 customers with a venue to engage in the activity of axe throwing and that either  
6 derives at least 51 percent of its revenue from fees associated with axe throwing or  
7 maintains at the venue at least 5 axe throwing lanes.

8           **SECTION 5.** 125.02 (5g) of the statutes is created to read:

9           125.02 (5g) “Division” means the division of alcohol beverages in the  
10 department.

11          **SECTION 6.** 125.02 (6) of the statutes is renumbered 125.02 (6) (intro.) and  
12 amended to read:

13          125.02 (6) (intro.) “Fermented malt beverages” means any of the following:

14          (a) Any beverage made by the alcohol fermentation of an infusion in potable  
15 water of barley malt and hops, with or without unmalted grains or decorticated and  
16 degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

17          **SECTION 7.** 125.02 (6) (b) of the statutes is created to read:

18          125.02 (6) (b) Any beverage recognized by the federal department of the  
19 treasury as beer under 27 CFR part 25, except sake or similar products.

20          **SECTION 8.** 125.02 (6d) of the statutes is created to read:

21          125.02 (6d) “Fulfillment house” means any entity, whether located in this state  
22 or elsewhere, that handles logistics, including warehousing, packaging, order  
23 fulfillment, or shipping services, on behalf of a person holding a direct wine shipper’s  
24 permit under s. 125.535 for wine that is eligible to be shipped to individuals in this  
25 state.



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1           **SECTION 9.** 125.02 (6g) of the statutes is created to read:

2           125.02 **(6g)** “Full-service retail sales” means retail sales of fermented malt  
3 beverages or intoxicating liquor, for on-premises or off-premises consumption, or  
4 the provision of taste samples of fermented malt beverages or intoxicating liquor, or  
5 any combination of these activities.

6           **SECTION 10.** 125.02 (12) of the statutes is amended to read:

7           125.02 **(12)** “Peace officer” means a sheriff, undersheriff, deputy sheriff, police  
8 officer, constable, marshal, deputy marshal or any employee of the department  
9 division or of the department of justice authorized to act under this chapter.

10          **SECTION 11.** 125.02 (13) of the statutes is amended to read:

11          125.02 **(13)** Except as provided in ss. 125.27 (6) and 125.51 (5) (g), “permit”  
12 means any permit issued by the department division under this chapter.

13          **SECTION 12.** 125.02 (14m) of the statutes is amended to read:

14          125.02 **(14m)** “Premises” means the area described in a license or permit,  
15 excluding a permit issued under s. 125.175.

16          **SECTION 13.** 125.02 (14m) of the statutes, as affected by 2023 Wisconsin Act ...  
17 (this act), is amended to read:

18          125.02 **(14m)** “Premises” means the area described in a license or permit,  
19 excluding a permit issued under s. 125.175 or 125.24.

20          **SECTION 14.** 125.02 (16) of the statutes is renumbered 125.02 (16) (am).

21          **SECTION 15.** 125.02 (16) (bm) of the statutes is created to read:

22          125.02 **(16)** (bm) “Rectifier” does not include a “Class B” licensee that prepares,  
23 stores, or dispenses mixed drinks in advance of sale in compliance with s. 125.51 (3)  
24 (bg).

25          **SECTION 16.** 125.02 (23) of the statutes is amended to read:

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1           125.02 (23) “Wine collector” means an individual who meets the standards  
2 established by the ~~department~~ division by rule and who is registered with the  
3 ~~department~~ division as a collector of wine.

4           **SECTION 17.** 125.025 of the statutes is created to read:

5           **125.025 Powers and duties of division. (1) ADMINISTRATION; PERSONNEL.**

6           (a) The division, under the direction and supervision of the administrator, shall  
7 administer this chapter and have jurisdiction over alcohol beverages regulation,  
8 enforcement, and education in this state. The division is responsible for  
9 administering regulatory programs; promoting regulatory transparency; promoting  
10 statutory changes to create clarity, consistency, and simplicity in alcohol beverage  
11 regulatory requirements; and ensuring active, consistent enforcement of alcohol  
12 beverage laws.

13           (b) The administrator may appoint, in the classified service, special agents and  
14 other employees necessary to carry out the permitting, audit, legal, education, and  
15 enforcement functions of the division. The division shall employ no fewer than 10  
16 alcohol beverage field agents to perform enforcement activities under the direction  
17 of the director of the bureau created under s. 15.433 (2) (b) dedicated to enforcement.

18           (c) The administrator and any employee of the division may not be employed  
19 by or have a financial interest in the alcohol beverages industry or any business  
20 subject to the division’s jurisdiction.

21           **(2) POLICE POWERS.** The division shall enforce, and the duly authorized  
22 employees of the division shall have all necessary police powers to prevent violations  
23 of, this chapter.

24           **(3) INSPECTION FOR ENFORCEMENT.** Duly authorized employees of the  
25 department of justice and the division and any sheriff, police officer, marshal, or

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1 constable, within their respective jurisdictions, may, during normal business hours,  
2 enter any licensed premises, and examine the books, papers, and records of any  
3 brewer, brewpub, manufacturer, rectifier, wholesaler, retailer, fulfillment house, or  
4 common carrier and may inspect and examine, according to law, any premises where  
5 fermented malt beverages or intoxicating liquors are manufactured, sold, exposed  
6 for sale, possessed, or stored, for the purpose of inspecting the same and determining  
7 whether this chapter is being complied with. Any refusal to permit such examination  
8 of such premises is sufficient grounds under s. 125.12 for revocation or suspension  
9 of any license or permit issued under this chapter and is punishable under s. 125.11  
10 (3).

11 (4) LIST OF PERMITTEES. The division shall provide the department with all  
12 information necessary for the department to publish the information specified in s.  
13 139.11 (4) (a) 2. and (b) 2.

14 **SECTION 18.** 125.03 (title) of the statutes is amended to read:

15 **125.03** (title) **Department Division rule making.**

16 **SECTION 19.** 125.03 (1) (a) of the statutes is amended to read:

17 125.03 (1) (a) ~~The department, in furtherance of effective control,~~ division may  
18 promulgate rules consistent with this chapter and ch. 139 to carry out the division's  
19 duties under this chapter.

20 **SECTION 20.** 125.03 (1) (b) of the statutes is amended to read:

21 125.03 (1) (b) The department division shall promulgate rules providing for  
22 registration of wine collectors and establishing standards of eligibility for  
23 registration as a wine collector. The rules shall also specify the form and manner of  
24 notice required under s. 125.06 (11m).

25 **SECTION 21.** 125.03 (2) of the statutes is amended to read:

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1           125.03 (2) CONTAINERS. The ~~department~~ division may by rule prescribe the  
2           standard size, form, or character of any container in which intoxicating liquor may  
3           be sold in this state except that the ~~department~~ division may not set the size of  
4           containers in which intoxicating liquor, except wine containing not more than 21  
5           percent of alcohol by volume, may be sold at a capacity greater than 1.75 liters  
6           (59.1752 fluid ounces).

7           **SECTION 22.** 125.04 (3) (a) (intro.) of the statutes is amended to read:

8           125.04 (3) (a) *Contents.* (intro.) The ~~department~~ division shall prepare an  
9           application form for each kind of license, other than a manager's or operator's license,  
10          and for each kind of permit issued under this chapter. Each form, except an  
11          operator's permit form, shall require all of the following information:

12          **SECTION 23.** 125.04 (3) (a) 1. of the statutes is amended to read:

13          125.04 (3) (a) 1. A history of the applicant relevant to the applicant's fitness to  
14          hold a license or permit, including whether the applicant is a restricted investor  
15          requiring disclosure under s. 125.20 (6) (a) 5. and the basis of this status.

16          **SECTION 24.** 125.04 (3) (b) of the statutes is amended to read:

17          125.04 (3) (b) *Application for renewing.* The ~~department~~ division may prepare  
18          a simplified application form for renewal of each kind of license or permit which  
19          requires only information pertinent to renewal.

20          **SECTION 25.** 125.04 (3) (bm) (intro.) of the statutes is amended to read:

21          125.04 (3) (bm) *Signature on, and notarization of, forms.* (intro.) The  
22          application forms prepared by the ~~department~~ division for a license or permit under  
23          this chapter may not require any of the following:

24          **SECTION 26.** 125.04 (3) (c) of the statutes is amended to read:

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1           125.04 (3) (c) *Distribution*. The ~~department~~ division shall make one copy of  
2 each kind of license application that it prepares available to each municipality.

3           **SECTION 27.** 125.04 (3) (d) 1. of the statutes is amended to read:

4           125.04 (3) (d) 1. An application form prepared by the ~~department~~ division shall  
5 be used by each applicant for a permit.

6           **SECTION 28.** 125.04 (3) (d) 2. of the statutes is amended to read:

7           125.04 (3) (d) 2. A replica of an application form prepared by the ~~department~~  
8 division shall be used by each applicant for a license, other than a manager's or  
9 operator's license.

10          **SECTION 29.** 125.04 (3) (e) 2. of the statutes is amended to read:

11          125.04 (3) (e) 2. The applicant shall file the application for a permit with the  
12 ~~department~~ division.

13          **SECTION 30.** 125.04 (3) (h) of the statutes is amended to read:

14          125.04 (3) (h) *Subsequent changes*. Within 10 days of any change in any fact  
15 set out in an application for a license or permit to sell alcohol beverages, the licensee  
16 or permittee shall file with the issuing authority a written description of the changed  
17 fact, including any change in restricted investors under s. 125.20 (6) (a) 5.

18          **SECTION 31.** 125.04 (3) (j) of the statutes is amended to read:

19          125.04 (3) (j) *Penalty for materially false application information, affidavit*  
20 *representation*. Any person who knowingly provides materially false information in  
21 an application for a license or permit under this chapter or on a form under par. (k),  
22 and any person who materially violates any representation made in an affidavit  
23 under s. 125.20 (6) (a) 6. or (c) 4., may be required to forfeit not more than \$1,000.

24          **SECTION 32.** 125.04 (3) (k) of the statutes is created to read:

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1           125.04 (3) (k) *Approval of full-service retail outlets.* The division shall prepare  
2 a form for use by a brewer, winery, manufacturer, or rectifier to request approval for  
3 a full-service retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d)  
4 1. The form shall be similar to the form for a retail license application under par. (a).  
5 An applicant shall use the form to submit a request for approval of a full-service  
6 retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d) 1.

7           **SECTION 33.** 125.04 (4) of the statutes is amended to read:

8           125.04 (4) LIST OF LICENSEES. By July 15 annually, the clerk of a municipality  
9 issuing licenses shall mail to the ~~department~~ division a list containing the name,  
10 address, and trade name of each person holding a license issued by that municipality,  
11 other than a manager's or operator's license or a license issued under s. 125.26 (6),  
12 the type of license held and, if the person holding the license is a corporation or  
13 limited liability company, the name of the agent appointed under sub. (6).

14           **SECTION 34.** 125.04 (5) (a) 5. of the statutes is amended to read:

15           125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the  
16 date of application a responsible beverage server training course at any location that  
17 is offered by a technical college district and that conforms to curriculum guidelines  
18 specified by the technical college system board or a comparable training course that  
19 is approved by the ~~department~~ division or the department of safety and professional  
20 services. This subdivision does not apply to an applicant who held, or who was an  
21 agent appointed and approved under sub. (6) of a corporation or limited liability  
22 company that held, within the past 2 years, a Class "A", "Class A" or "Class C" license  
23 or a Class "B" or "Class B" license or permit or a manager's or operator's license, or  
24 an operator's permit.

25           **SECTION 35.** 125.04 (5) (d) 1. of the statutes is amended to read:

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1           125.04 (5) (d) 1. Paragraph (a) 2. does not apply to applicants for operators'  
2 licenses issued under s. 125.17, to applicants for operators' permits issued under s.  
3 125.175, or to applicants for managers' licenses issued under s. 125.18. Managers'  
4 licenses may be issued only to applicants who are residents of this state at the time  
5 of issuance.

6           **SECTION 36.** 125.04 (5) (d) 2. of the statutes is amended to read:

7           125.04 (5) (d) 2. Paragraph (a) 3. does not apply to applicants for operators'  
8 licenses under s. 125.17 or to applicants for operators' permits under s. 125.175.  
9 Operators' licenses and operators' permits may be issued only to applicants who have  
10 attained the age of 18.

11           **SECTION 37.** 125.04 (5) (d) 3. a. of the statutes is amended to read:

12           125.04 (5) (d) 3. a. Applicants for operators' licenses under s. 125.17 and for  
13 operators' permits under s. 125.175.

14           **SECTION 38.** 125.04 (6) (g) of the statutes is amended to read:

15           125.04 (6) (g) *Forms.* If the ~~department~~ division or any municipality prepares  
16 a form relating to the appointment of an agent under this subsection, including any  
17 cancellation of an appointment or appointment of a successor agent, the form may  
18 not require the signature of more than one person signing on behalf of the corporation  
19 or limited liability company submitting the form.

20           **SECTION 39.** 125.04 (8) (title) of the statutes is amended to read:

21           125.04 (8) (title) PAYMENT OF LICENSE FEE; PERMIT FEES.

22           **SECTION 40.** 125.04 (8) of the statutes is renumbered 125.04 (8) (a).

23           **SECTION 41.** 125.04 (8) (b) of the statutes is created to read:

24           125.04 (8) (b) Unless the department established a different permit fee before  
25 the effective date of this paragraph .... [LRB inserts date], and except as provided in

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1 ss. 125.175 (3), 125.22 (1) (e), 125.23 (1) (c), 125.27 (5) (f), 125.28 (4), 125.295 (4),  
2 125.51 (5) (f) 5., 125.535 (2), and 125.65 (10), the division shall charge an annual fee  
3 of \$500 for each permit issued by the division under this chapter.

4 **SECTION 42.** 125.04 (8) (b) of the statutes, as created by 2023 Wisconsin Act ...  
5 (this act), is amended to read:

6 125.04 (8) (b) Unless the department established a different permit fee before  
7 the effective date of this paragraph ... [LRB inserts date], and except as provided in  
8 ss. 125.175 (3), 125.22 (1) (e), 125.23 (1) (c), 125.24 (1) (e), 125.27 (5) (f), 125.28 (4),  
9 125.295 (4), 125.51 (5) (f) 5., 125.535 (2), and 125.65 (10), the division shall charge  
10 an annual fee of \$500 for each permit issued by the division under this chapter.

11 **SECTION 43.** 125.04 (12) (a) of the statutes is amended to read:

12 125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit  
13 may be transferred to another place or premises within the same municipality. An  
14 alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53,  
15 or an intoxicating liquor a wholesaler's permit under s. 125.28 or 125.54 may be  
16 transferred to another premises within this state. Transfers shall be made by the  
17 issuing authority upon payment of a fee of \$10 to the issuing authority. No retail  
18 licensee, retail permittee, intoxicating liquor wholesaler permittee, or holder of a  
19 warehouse or winery permit is entitled to more than one transfer during the license  
20 or permit year. This paragraph does not apply to a license issued under s. 125.51 (4)  
21 (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

22 **SECTION 44.** 125.045 (title) of the statutes is amended to read:

23 **125.045 (title) Booklet for licensees and permittees; safe ride program**  
24 **information.**

25 **SECTION 45.** 125.045 (1) of the statutes is amended to read:



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1           125.045 (1) The department division shall prepare a booklet explaining the  
2 state statutes and rules relating to the retail sale of alcohol beverages, written  
3 concisely in language which is clearly understood by those required to utilize it.

4           **SECTION 46.** 125.045 (2) of the statutes is renumbered 125.045 (2) (a) and  
5 amended to read:

6           125.045 (2) (a) The department division shall provide a copy of the booklet  
7 under sub. (1) free of charge to each person issued a permit, including a renewal,  
8 under s. 125.175, 125.27, or 125.51 (5). The department division shall provide the  
9 booklet for a charge not to exceed cost, as provided under s. 20.908, to municipalities.

10           **SECTION 47.** 125.045 (2) (b) of the statutes is created to read:

11           125.045 (2) (b) The division shall provide to each person initially issued a  
12 permit under s. 125.27 or 125.51 (5) information regarding the safe ride program  
13 described in s. 85.55.

14           **SECTION 48.** 125.045 (3) of the statutes is renumbered 125.045 (3) (a) and  
15 amended to read:

16           125.045 (3) (a) A municipality shall provide a copy of the booklet under sub. (1)  
17 to each person issued a license, including a renewal, under s. 125.17, 125.18, 125.25,  
18 125.26 or 125.51 (1) by the municipality unless the municipality requires the person  
19 to complete an instructional program which includes the subject matter of the  
20 booklet or unless the person completes the program under s. 125.04 (5) (a) 5. or  
21 125.17 (6). This section does not preclude a municipality from charging a fee for such  
22 a program. A municipality may charge for the booklet in an amount not to exceed  
23 the amount charged by the department division under sub. (2) (a).

24           **SECTION 49.** 125.045 (3) (b) of the statutes is created to read:

**ASSEMBLY BILL 304****SECTION 49**

1           125.045 (3) (b) A municipality shall provide to each person initially issued a  
2 license under s. 125.26 (1) or 125.51 (3) or (3m) information regarding the safe ride  
3 program described in s. 85.55.

4           **SECTION 50.** 125.06 (1) of the statutes is amended to read:

5           125.06 (1) BREWERS' PREMISES. The furnishing, by brewers, of fermented malt  
6 beverages free of charge to customers, visitors, and employees on the brewery  
7 premises ~~if the fermented malt beverages are consumed on the brewery premises and~~  
8 ~~are not furnished or consumed in or near any room or place where intoxicating liquor~~  
9 ~~is sold.~~

10          **SECTION 51.** 125.06 (3g) of the statutes is amended to read:

11          125.06 (3g) WINE OR FERMENTED MALT BEVERAGES MADE AT SUPPLY STORES. The  
12 manufacture of wine or fermented malt beverages by any person at a business  
13 primarily engaged in selling supplies and equipment for use by homebrewers or  
14 home winemakers, and, notwithstanding s. 125.09 (1), the tasting at the business of  
15 wine or fermented malt beverages so manufactured, if the wine or fermented malt  
16 beverages are not sold or offered for sale. Wine or fermented malt beverages provided  
17 at a business for tasting under this subsection may only be provided by a person who  
18 holds an operator's license issued under s. 125.17 or an operator's permit issued  
19 under s. 125.175.

20          **SECTION 52.** 125.06 (11m) of the statutes is amended to read:

21          125.06 (11m) WINE COLLECTORS. The sale by a wine collector to any other wine  
22 collector of manufacturer-sealed bottles or containers of wine that the selling wine  
23 collector has held for at least 8 years if the selling wine collector has provided prior  
24 notice of the sale to the ~~department~~ division. No more than one sale in any 12-month  
25 period may be conducted by a wine collector under this paragraph.

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1           **SECTION 53.** 125.06 (13) of the statutes is repealed.

2           **SECTION 54.** 125.07 (1) (b) 4. of the statutes is amended to read:

3           125.07 (1) (b) 4. The court shall promptly mail notice of a suspension under this  
4 paragraph to the ~~department~~ division and to the clerk of each municipality which has  
5 issued a license or permit to the person.

6           **SECTION 55.** 125.07 (3) (a) 3. of the statutes is amended to read:

7           125.07 (3) (a) 3. Hotels, drug stores, grocery stores, bowling centers, movie  
8 theaters, painting studios, billiards centers having on the premises 12 or more  
9 billiards tables that are not designed for coin operation and that are 8 feet or longer  
10 in length, indoor golf simulator facilities, indoor golf and baseball facilities on  
11 premises for which the only alcohol beverage license issued is a Class “B” license, axe  
12 throwing facilities on premises operated under Class “B” or “Class B” licenses,  
13 service stations, vessels, cars operated by any railroad, regularly established athletic  
14 fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums,  
15 music festival venues during an event with a projected attendance of at least 2,500  
16 persons, public facilities as defined in s. 125.51 (5) (b) 1. d. which are owned by a  
17 county or municipality or centers for the visual or performing arts.

18           **SECTION 56.** 125.07 (3) (a) 10. of the statutes is amended to read:

19           125.07 (3) (a) 10. An underage person who enters or remains on Class “B” or  
20 “Class B” licensed premises on a date specified by the licensee or permittee during  
21 times when no alcohol beverages are consumed, sold or given away. During those  
22 times, the licensee, the agent named in the license if the licensee is a corporation or  
23 limited liability company or a person who has an operator’s license or operator’s  
24 permit shall be on the premises unless all alcohol beverages are stored in a locked  
25 portion of the premises. The licensee shall notify the local law enforcement agency,

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1 in advance, of the times underage persons will be allowed on the premises under this  
2 subdivision.

3 **SECTION 57.** 125.07 (3) (a) 16. of the statutes is amended to read:

4 125.07 (3) (a) 16. An underage person who enters or remains in a banquet or  
5 hospitality room on winery premises ~~operated under a “Class A” or “Class B” license~~  
6 for the purpose of attending a winery tour.

7 **SECTION 58.** 125.07 (4) (f) 3. of the statutes is amended to read:

8 125.07 (4) (f) 3. A licensee may not bring a civil action under this paragraph  
9 unless the licensee has first provided notice to the underage person or the underage  
10 person’s parent, as applicable, of the licensee’s intent to bring the action. The notice  
11 shall be mailed to the last-known address of the underage person or underage  
12 person’s parent, as applicable, at least 15 days prior to filing the action and shall  
13 include a demand for the relief described in subd. 1. ~~The department~~ division may,  
14 by rule, prescribe a form for this notice.

15 **SECTION 59.** 125.09 (1) of the statutes is renumbered 125.09 (1) (a) and  
16 amended to read:

17 125.09 (1) (a) No owner, lessee, or person in charge of a public place may permit  
18 the consumption of alcohol beverages on the ~~premises~~ property of the public place,  
19 unless the person has an appropriate retail license or permit or a no-sale event venue  
20 permit.

21 (d) This subsection does not apply to municipalities, buildings and parks owned  
22 by counties, regularly established athletic fields and stadiums, school buildings,  
23 campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event  
24 sponsored by the private college is being held, churches, premises in a state fair park  
25 or clubs. This subsection also does not apply to the consumption of fermented malt

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1 beverages on commercial quadricycles except in municipalities that have adopted  
2 ordinances under s. 125.10 (5) (a).

3 **SECTION 60.** 125.09 (1) (b) and (c) of the statutes are created to read:

4 125.09 (1) (b) For purposes of par. (a), a public place includes a venue, location,  
5 open space, room, or establishment that is any of the following:

- 6 1. Accessible and available to the public to rent for an event or social gathering.
- 7 2. Held out for rent to the public for an event or social gathering.
- 8 3. Made available for rent to a member of the public for an event or social  
9 gathering.

10 (c) For purposes of par. (a), a public place does not include any of the following:

- 11 1. A room in a hotel, motel, or bed and breakfast that is used for overnight  
12 accommodations.
- 13 2. Vacation rental property, or any other property of temporary lodging, that  
14 is used for overnight accommodations if the property is furnished with sufficient beds  
15 for all adult guests to sleep.
- 16 3. A campsite on a campground licensed under s. 97.67.
- 17 4. A parking lot, driveway, or yard where vehicles may be parked on the same  
18 day as a professional or collegiate sporting event or other ticketed event open to the  
19 public.
- 20 5. Property within a local professional football stadium district created under  
21 subch. IV of ch. 229 if the property is used in connection with, and on the same day  
22 as, a professional football game, or other ticketed event open to the public, held at  
23 the football stadium.
- 24 6. Property within a local professional baseball park district created under  
25 subch. III of ch. 229 if the property is used in connection with, and on the same day

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1 as, a professional baseball game, or other ticketed event open to the public, held at  
2 the baseball park.

3 **SECTION 61.** 125.105 (1) of the statutes is amended to read:

4 125.105 (1) No person may impersonate an inspector, agent or other employee  
5 of the ~~department~~ division or of the department of justice.

6 **SECTION 62.** 125.11 (3) of the statutes is created to read:

7 125.11 (3) INSPECTION VIOLATION. Any person who refuses to permit an  
8 examination of premises as provided in s. 125.025 (3) shall be fined not more than  
9 \$500 nor less than \$50, or imprisoned not more than 90 days nor less than 10 days  
10 or both, and any license or permit issued to that person may be revoked.

11 **SECTION 63.** 125.12 (1) (a) of the statutes is amended to read:

12 125.12 (1) (a) Except as provided in this subsection, any municipality or the  
13 ~~department~~ division may revoke, suspend or refuse to renew any license or permit  
14 under this chapter, as provided in this section.

15 **SECTION 64.** 125.12 (1) (c) of the statutes is amended to read:

16 125.12 (1) (c) Neither a municipality nor the ~~department~~ division may consider  
17 an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03  
18 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew  
19 a Class "B" or "Class B" license or permit.

20 **SECTION 65.** 125.12 (4) (title) of the statutes is amended to read:

21 125.12 (4) (title) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE  
22 ~~DEPARTMENT~~ DIVISION.

23 **SECTION 66.** 125.12 (4) (ag) (intro.) of the statutes is amended to read:

24 125.12 (4) (ag) *Complaint.* (intro.) A duly authorized employee of the  
25 ~~department~~ division may file a complaint with the clerk of circuit court for the

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1 jurisdiction in which the premises of a person holding a license issued under this  
2 chapter is situated, alleging one or more of the following about a licensee:

3 **SECTION 67.** 125.12 (4) (ag) 9. of the statutes is created to read:

4 125.12 (4) (ag) 9. That the licensee has shipped alcohol beverages to any person  
5 in another state in violation of that state's law.

6 **SECTION 68.** 125.12 (5) (title) of the statutes is amended to read:

7 125.12 (5) (title) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS  
8 BY THE DEPARTMENT DIVISION.

9 **SECTION 69.** 125.12 (5) (a) of the statutes is amended to read:

10 125.12 (5) (a) The ~~department~~ division may, after notice and an opportunity for  
11 hearing, revoke, suspend, or refuse to renew any retail permit issued by it for the  
12 causes provided in sub. (4) and any other permit issued by it under this chapter for  
13 any violation of this chapter or ch. 139, except that, for a violation of s. 125.535 or  
14 139.035, the ~~department~~ division shall revoke the permit, and the division shall  
15 revoke a common carrier permit as provided in s. 125.22 (3) (b) and a fulfillment  
16 house permit as provided in s. 125.23 (6) (b).

17 **SECTION 70.** 125.12 (5) (b) of the statutes is amended to read:

18 125.12 (5) (b) The ~~department~~ division may, after notice and an opportunity for  
19 hearing, revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person  
20 designated by the owner or operator of racetrack grounds as provided in s. 125.27 (5)  
21 (b) or 125.51 (5) (f) 2. if the person's designation has terminated or the owner or  
22 operator of the racetrack grounds has otherwise rescinded the person's designation.

23 **SECTION 71.** 125.12 (5) (bm) of the statutes is created to read:

24 125.12 (5) (bm) The division may, after notice and an opportunity for hearing,  
25 revoke, suspend, or refuse to renew any permit issued by it under this chapter if the

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1 permittee has shipped alcohol beverages to any person in another state in violation  
2 of that state's law.

3 **SECTION 72.** 125.12 (5) (c) of the statutes is amended to read:

4 125.12 (5) (c) A revocation, suspension, or refusal to renew a permit under par.  
5 (a) ~~or~~, (b), or (bm) is a contested case under ch. 227.

6 **SECTION 73.** 125.12 (6) (a) of the statutes is amended to read:

7 125.12 (6) (a) Any person may file a sworn written complaint with the  
8 ~~department~~ division alleging that an intoxicating liquor wholesaler has violated s.  
9 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint  
10 and sufficient facts for the ~~department~~ division to determine whether there is cause  
11 to find that a violation has occurred. The ~~department~~ division shall provide a copy  
12 of the complaint to any wholesaler against whom allegations are made, along with  
13 notice of the time period under par. (b) to show cause why the wholesaler's permit  
14 should not be revoked or suspended or to request a hearing.

15 **SECTION 74.** 125.12 (6) (b) of the statutes is amended to read:

16 125.12 (6) (b) Within 30 days of receiving a copy of the complaint under par. (a),  
17 any wholesaler against whom allegations are made may file a sworn written  
18 response or a written request for an evidentiary hearing before the ~~department~~  
19 division under s. 227.44.

20 **SECTION 75.** 125.12 (6) (c) of the statutes is amended to read:

21 125.12 (6) (c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary  
22 hearing is made under par. (b), within 60 days of receiving any response under par.  
23 (b) or, if no response is made, within 60 days of the date on which a response or  
24 request for hearing is due under par. (b), the ~~department~~ division shall make a  
25 written decision as to whether a violation has occurred and either dismiss the



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1 complaint or take action under par. (e). Any decision under this paragraph shall  
2 include findings of fact and conclusions of law and shall state all reasons for the  
3 decision. The ~~department~~ division shall provide a copy of the decision to the  
4 complainant and to any wholesaler against whom allegations are made.

5 **SECTION 76.** 125.12 (6) (cm) of the statutes is amended to read:

6 125.12 **(6)** (cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary  
7 hearing is made under par. (b), the hearing shall be conducted in the manner  
8 specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall  
9 be conducted within 45 days of receiving the request for hearing under par. (b) and  
10 the ~~department~~ division shall make its written decision, including whether a  
11 violation has occurred and whether the complaint is dismissed or action is taken  
12 under par. (e), within 15 days after the hearing. In addition to service of the decision  
13 as provided under s. 227.48, the ~~department~~ division shall provide a copy of the  
14 decision to the complainant.

15 **SECTION 77.** 125.12 (6) (d) of the statutes is amended to read:

16 125.12 **(6)** (d) 1. If no request for an evidentiary hearing is made under par. (b),  
17 within 60 days of receiving any response under par. (b) or, if no response is made,  
18 within 60 days of the date on which a response or request for hearing is due under  
19 par. (b), the ~~department~~ division may extend the time period for making a decision  
20 under par. (c) by an additional 60 days if the ~~department~~ division provides notice  
21 within the time period specified in par. (c) that an additional 60 days is necessary for  
22 investigation.

23 2. If a request for an evidentiary hearing is made under par. (b), within 45 days  
24 of receiving the request for hearing under par. (b), the ~~department~~ division may  
25 extend the time period for conducting the hearing by an additional 45 days if the

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1 ~~department~~ division provides notice within 45 days of receiving the request for  
2 hearing under par. (b) that an additional 45 days is necessary for investigation.

3 **SECTION 78.** 125.12 (6) (dm) of the statutes is amended to read:

4 125.12 (6) (dm) Within 45 days of receiving any response or request for hearing  
5 under par. (b) or, if no response or request for hearing is made, within 45 days of the  
6 date on which a response or request for hearing is due under par. (b), the ~~department~~  
7 division may elect to file a complaint in circuit court under sub. (4) that includes all  
8 allegations of the complaint under par. (a) for which the ~~department~~ division  
9 determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If  
10 the ~~department~~ division files a complaint in circuit court as provided under this  
11 paragraph, the ~~department~~ division shall not conduct a hearing under par. (cm) or  
12 make a written decision under par. (c), but shall proceed with the matter as provided  
13 under sub. (4).

14 **SECTION 79.** 125.12 (6) (e) of the statutes is amended to read:

15 125.12 (6) (e) If the ~~department~~ division finds the allegations under par. (a) true  
16 and sufficient, the ~~department~~ division shall either suspend for not less than 10 days  
17 nor more than 90 days or revoke the wholesaler's permit, and give notice of the  
18 suspension or revocation to the wholesaler.

19 **SECTION 80.** 125.13 of the statutes is amended to read:

20 **125.13 Report of suspension, revocation, or imposition of penalty.**  
21 Whenever a municipal governing body or court revokes or suspends a license or  
22 permit or imposes a penalty on a licensee or permittee for the violation of this  
23 chapter, the clerk of the municipality or court revoking or suspending the license or  
24 imposing the penalty shall, within 10 days after the revocation, suspension, or  
25 imposition of penalty, mail a report to the ~~department~~ division at Madison,

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1 Wisconsin, giving the name of the licensee, the address of the licensed premises, and  
2 a full description of the penalty imposed.

3 **SECTION 81.** 125.14 (2) (c) of the statutes is amended to read:

4 125.14 (2) (c) *Identification.* Any person seizing alcohol beverages or personal  
5 property and electing to dispose of it under this subsection shall exercise reasonable  
6 diligence to ascertain the name and address of the owner of the alcohol beverages or  
7 property and of all persons holding a security interest in the property seized. The  
8 person shall report his or her findings in writing to the department division.

9 **SECTION 82.** 125.14 (2) (d) of the statutes is amended to read:

10 125.14 (2) (d) *Order.* Upon conviction of any person for owning, possessing,  
11 keeping, storing, manufacturing, selling, distributing, or transporting alcohol  
12 beverages in violation of this chapter or ch. 139, the court shall order part or all of  
13 the alcohol beverages or personal property seized to be destroyed if it is unfit for sale.  
14 Alcohol beverages and other personal property fit for sale shall be turned over to the  
15 department division for disposition. Upon receipt of the confiscated property, the  
16 department division shall exercise reasonable diligence to ascertain the names and  
17 addresses of all owners of the property and of all persons holding a security interest  
18 in the property. If a motor vehicle is confiscated, the department division shall obtain  
19 the written advice of the department of transportation as to the ownership of the  
20 motor vehicle and shall make a reasonable search for perfected security interests in  
21 the vehicle.

22 **SECTION 83.** 125.14 (2) (e) of the statutes is amended to read:

23 125.14 (2) (e) *Disposal.* The department division shall dispose of the alcohol  
24 beverages turned over to it by the court by either giving it to law enforcement  
25 agencies free of charge for use in criminal investigations, selling it to the highest

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1 bidder if the bidder is a person holding a license or permit issued under this chapter,  
2 or destroying it, at the discretion of the department division. If the department  
3 division elects to sell the alcohol beverages, it shall publish a class 2 notice under ch.  
4 985 asking for sealed bids from qualified bidders. Any items or groups of items in  
5 the inventory subject to a security interest, the existence of which was established  
6 in the proceedings for conviction as being bona fide and as having been created  
7 without the secured party having notice that the items were being used or were to  
8 be used in connection with the violation, shall be sold separately. The net proceeds  
9 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the  
10 secretary of administration and credited to the common school fund.

11 **SECTION 84.** 125.14 (2) (f) of the statutes is amended to read:

12 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized  
13 under par. (a) and fit for sale, shall be turned over by the department division to the  
14 department of administration for disposal at public auction to the highest bidder, at  
15 a time and place stated in a notice of sale which describes the property to be sold.  
16 The sale shall be held in a conveniently accessible place in the county where the  
17 property was confiscated. A copy of the notice shall be published as a class 2 notice  
18 under ch. 985. The last insertion shall be at least 10 days before the sale. The  
19 ~~department of revenue~~ division shall serve a copy of the notice of sale at least 2 weeks  
20 before the date thereof on all persons who are or may be owners or holders of security  
21 interests in the property. Any confiscated property worth more than \$100 shall be  
22 sold separately, and the balance of the confiscated property shall be sold in bulk or  
23 separately at the discretion of the department of administration. The net proceeds  
24 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the

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1 secretary of administration. No motor vehicle or motorboat confiscated under this  
2 section may be sold within 30 days after the date of seizure.

3 **SECTION 85.** 125.14 (3) (b) of the statutes is amended to read:

4 125.14 (3) (b) *Deadline.* The application shall be made within one year after  
5 the sale of the property. A copy of the application and the order setting a hearing on  
6 it shall be served on the department division at least 20 days before the date set for  
7 hearing.

8 **SECTION 86.** 125.145 of the statutes is amended to read:

9 **125.145 Prosecutions by attorney general or department division.**

10 Upon request by the ~~secretary of revenue~~ division, the attorney general may  
11 represent this state or assist a district attorney in prosecuting any case arising under  
12 this chapter. The department division may represent this state in prosecuting any  
13 violation of s. 125.54 (7) (a) or (b) and shall bring any such action in the circuit court  
14 for Dane County.

15 **SECTION 87.** 125.15 (1) of the statutes is amended to read:

16 125.15 (1) An intoxicating liquor wholesaler, intoxicating liquor retail licensee  
17 or permittee, or intoxicating liquor trade association that makes a written complaint  
18 to the department division under s. 125.12 (6) of a violation of s. 125.54 (7) (a) may  
19 bring an action to enforce the provisions of s. 125.54 (7) if any of the following apply:

20 (a) The department division has not rendered a decision within the time  
21 periods specified in s. 125.12 (6) (c) to (d).

22 (b) The department division has rendered a decision under s. 125.12 (6) in  
23 which the department division has determined that a violation has occurred but no  
24 action has been brought in circuit court by the department division, attorney general,  
25 or a district attorney to prosecute the violation.

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1           **SECTION 88.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

2           125.17 **(6)** (a) (intro.) Except as provided in par. (b), no municipal governing  
3 body or designated municipal official may issue an operator's license unless the  
4 applicant has successfully completed a responsible beverage server training course  
5 at any location that is offered by a technical college district and that conforms to  
6 curriculum guidelines specified by the technical college system board or a  
7 comparable training course, which may include computer-based training and  
8 testing, that is approved by the ~~department~~ division or the department of safety and  
9 professional services, or unless the applicant fulfills one of the following  
10 requirements:

11           **SECTION 89.** 125.175 of the statutes is created to read:

12           **125.175 Issuance of operators' permits. (1)** Subject to sub. (4), the division  
13 shall issue an operator's permit to any applicant who is qualified under s. 125.04 (5).  
14 Operators' permits may not be required other than for the purpose of complying with  
15 ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' permits may be issued only  
16 upon written application.

17           **(2)** Operators' permits are valid in all municipalities in this state.

18           **(3)** The division shall establish a fee for issuance or renewal of an operator's  
19 permit and shall determine whether the permit shall be valid for one or 2 years.

20           **(4)** (a) The division may not issue an operator's permit unless the applicant  
21 satisfies the criteria for issuance of an operator's license specified in s. 125.17 (6) (a).  
22 In applying these criteria to an applicant who holds or previously held an operator's  
23 permit or an operator's license, the division shall treat as synonymous operators'  
24 permits and operators' licenses.

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1 (b) The division may not require applicants for operators' permits to undergo  
2 training in addition to that specified in s. 125.17 (6) (a) but may require applicants  
3 to purchase at cost materials that deal with relevant subjects not covered in the  
4 course under s. 125.17 (6) (a).

5 **SECTION 90.** 125.19 (1) of the statutes is amended to read:

6 125.19 (1) ISSUANCE. The ~~department~~ division shall issue an alcohol beverage  
7 warehouse permit which authorizes the permittee to store and warehouse alcohol  
8 beverages in warehouse premises covered by the permit, subject to rules adopted by  
9 the ~~department~~ division. The permit does not authorize the sale of any alcohol  
10 beverages.

11 **SECTION 91.** 125.20 of the statutes is created to read:

12 **125.20 Interest restrictions. (1) DEFINITIONS.** In this section:

13 (a) "Distribution permit" means a permit issued under s. 125.28 or 125.54.

14 (b) "Distribution permittee" means a person holding a distribution permit and  
15 includes a restricted individual of such a person.

16 (c) "Production permit" means a permit issued under s. 125.29, 125.295, 125.52,  
17 or 125.53, a permit issued under s. 125.30 to a brewer in another state, or a permit  
18 issued under s. 125.58 to a manufacturer, rectifier, or winery in another state.

19 (d) "Production permittee" means a person holding a production permit and  
20 includes a restricted individual of such a person.

21 (e) "Restricted individual" means any of the following:

22 1. An individual identified on a manager's license or who works or acts in a  
23 managerial capacity for a permittee or licensee.

24 2. An individual serving as an officer, director, member, manager, or agent of  
25 a corporation or limited liability company holding a permit or license.

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1           3. An individual holding more than a 10 percent ownership interest in a  
2           permittee or licensee.

3           (f) “Restricted entity” means an entity holding more than a 10 percent  
4           ownership interest in a permittee or licensee.

5           (g) “Restricted investor” means a restricted individual or restricted entity.

6           (h) “Retail license or permit” means a Class “A,” Class “B,” “Class A,” “Class B,”  
7           or “Class C” license, a Class “B” or “Class B” permit, or a no-sale event venue permit.

8           (i) “Retail licensee or permittee” means a person holding a retail license or  
9           permit and includes a restricted individual of such a person.

10          **(2) PRODUCERS.** (a) No production permittee may hold any interest in any  
11          distribution permittee.

12          (b) No production permittee may hold any interest in any retail licensee or  
13          permittee, except as authorized under s. 125.295.

14          **(3) DISTRIBUTORS.** (a) No distribution permittee may hold any interest in any  
15          retail licensee or permittee.

16          (b) No distribution permittee may hold any interest in any production  
17          permittee, except as provided in s. 125.28 (2) (d).

18          **(4) RETAILERS.** (a) No retail licensee or permittee may hold any interest in any  
19          distribution permittee.

20          (b) No retail licensee or permittee may hold any interest in any production  
21          permittee, except as authorized under s. 125.295.

22          **(5) CONSTRUCTION OF SECTION; AUTHORIZED CROSS-TIER ACTIVITY.** (a) For purposes  
23          of this section and s. 125.01, permittees are categorized under the 3-tier system as  
24          follows:

25               1. A production permittee operates within the production tier.



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1           2. A distribution permittee operates within the distribution tier.

2           3. A retail licensee or permittee operates within the retail tier.

3           (b) This section does not prohibit a licensee or permittee from engaging in any  
4 activity that this chapter explicitly authorizes for the type of license or permit held  
5 or that is explicitly authorized under the terms of the license or permit.

6           (c) To the extent there is a conflict between any provision of subs. (2) to (4) and  
7 any provision of ss. 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2)  
8 (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1), the provisions of ss. 125.25 (2) (b),  
9 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3)  
10 (c), and 125.69 (1) are controlling.

11           (d) If a license or permit may not be issued to a person under s. 125.25 (2) (b),  
12 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3)  
13 (c), or 125.69 (1), the person may not acquire an interest prohibited under s. 125.25  
14 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30  
15 (3) (c), or 125.69 (1) after the license or permit has been issued.

16           **(6) PERMISSIBLE INTERESTS.** (a) Notwithstanding subs. (2) to (4), a licensee or  
17 permittee may be owned in part by, or grant an ownership interest to, a restricted  
18 investor in a different tier if all of the following are satisfied:

19           1. No single restricted investor holds more than a 10 percent ownership  
20 interest in the licensee or permittee, including any passive or disregarded entity  
21 connected to the restricted investor.

22           2. No restricted investor serves as an officer, director, manager, operator, or  
23 agent of the licensee or permittee.

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1           3. No restricted investor is involved in the day-to-day operations of the  
2 licensee or permittee or exerts any control over such operations beyond the person's  
3 ability to vote as an owner.

4           4. The aggregate amount of ownership held by all restricted investors in the  
5 licensee or permittee does not exceed 49 percent.

6           5. The licensee or permittee discloses all restricted investors to the division.

7           6. Each restricted investor executes an affidavit, on a form prescribed by the  
8 division, swearing to a complete lack of involvement in the day-to-day operations  
9 of, and lack of control over, the licensee or permittee beyond the restricted investor's  
10 ability to vote as an owner. If the restricted investor is a restricted entity, the  
11 affidavit shall be executed on behalf of the restricted entity by an individual who is  
12 an officer or director of the restricted entity or who otherwise has management  
13 authority over the restricted entity.

14           (b) A licensee or permittee, or a restricted individual of a licensee or permittee,  
15 may enter into a landlord-tenant relationship with another licensee or permittee  
16 operating in a different tier if all of the following are satisfied:

17           1. The lease or rental agreement explicitly states that the landlord has no  
18 control over or day-to-day involvement in the business of the tenant.

19           2. No control or involvement in the business of the tenant by the landlord exists.

20           3. The landlord and tenant maintain compliance with ss. 125.33 and 125.69,  
21 as applicable and subject to s. 125.33 (2) (hr), and this requirement is set forth in the  
22 lease or rental agreement.

23           4. The lease or rental agreement is in writing and disclosed to the division for  
24 review.

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1 (c) Notwithstanding subs. (2) to (4), a spouse may have an interest in the license  
2 or permit of the other spouse if all of the following are satisfied:

3 1. The marriage is governed by a valid marital property agreement or  
4 prenuptial agreement.

5 2. The marital property agreement or prenuptial agreement was disclosed on  
6 any license or permit application.

7 3. A copy of the marital property agreement or prenuptial agreement is  
8 provided to the municipal clerk or division prior to issuance of the license or permit.

9 4. Both spouses execute an affidavit, on a form prescribed by the division,  
10 swearing to a complete lack of involvement in the day-to-day operations of, and lack  
11 of control over, each respective business.

12 (d) For purposes of subs. (2) to (4), employment in a nonmanagerial capacity  
13 for a licensee or permittee is not an interest in the licensee or permittee.

14 **SECTION 92.** 125.20 (5) (c) and (d) of the statutes, as created by 2023 Wisconsin  
15 Act .... (this act), are amended to read:

16 125.20 (5) (c) To the extent there is a conflict between any provision of subs. (2)  
17 to (4) and any provision of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7),  
18 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1), the  
19 provisions of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b),  
20 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1) are controlling.

21 (d) If a license or permit may not be issued to a person under s. 125.24 (3),  
22 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a)  
23 6., 125.30 (3) (c), or 125.69 (1), the person may not acquire an interest prohibited  
24 under s. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2)

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1 (a), 125.295 (2) (a) 6., 125.30 (3) (c), or 125.69 (1) after the license or permit has been  
2 issued.

3 **SECTION 93.** 125.21 of the statutes is created to read:

4 **125.21 Production agreements. (1) DEFINITIONS.** In this section:

5 (a) “Alternating proprietorship” means an arrangement in which a host  
6 producer provides use of space and equipment, and may additionally provide  
7 personnel, to a guest producer for the production of alcohol beverages.

8 (b) “Bottling” means placing alcohol beverages into sealed finished packages,  
9 including cans, bottles, boxes, bags, kegs, barrels, or any other packaging of finished  
10 products. When “bottle” is used as a verb, it has the same meaning as “bottling.”

11 (c) “Contract producer” means a producer who directly manufactures, bottles,  
12 or labels alcohol beverages as an agent of a recipe producer or out-of-state recipe  
13 supplier.

14 (d) “Contract production” means a contract, agreement, or business  
15 arrangement described in sub. (3) (b) whereby a recipe producer or out-of-state  
16 recipe supplier provides consideration to a contract producer for the production,  
17 bottling, or labeling of alcohol beverages.

18 (e) “Guest producer” means a producer who enters into a contract, agreement,  
19 or business arrangement with a host producer whereby the producer has use of the  
20 host producer’s premises and equipment, and may have use of the host producer’s  
21 personnel, for the production of the guest producer’s alcohol beverages.

22 (f) “Host producer” means a producer who enters into a contract, agreement,  
23 or business arrangement with a guest producer whereby the guest producer has use  
24 of the producer’s premises and equipment, and may have use of the producer’s  
25 personnel, for the production of the guest producer’s alcohol beverages.

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1 (g) “Licensing agreement” means an agreement between a licensor and a  
2 producer for the production of alcohol beverages containing the name, symbol, or  
3 mark of the licensor.

4 (h) “Out-of-state recipe supplier” means a person to whom all of the following  
5 applies:

6 1. The person is located in another state and produces alcohol beverages in that  
7 state.

8 2. The person does not hold a permit under this chapter, other than a permit  
9 issued under s. 125.30, 125.535, or 125.58.

10 3. The person purchases alcohol beverages from a producer that are  
11 manufactured consistently with a recipe provided by the person or are bottled or  
12 labeled for the person.

13 (i) “Producer” means a brewer holding a permit under s. 125.29, brewpub  
14 holding a permit under s. 125.295, winery holding a permit under s. 125.53,  
15 manufacturer holding a permit under s. 125.52, or rectifier holding a permit under  
16 s. 125.52.

17 (j) “Recipe producer” means a producer who purchases alcohol beverages from  
18 another producer that are manufactured consistently with a recipe provided by the  
19 recipe producer or are bottled or labeled for the recipe producer.

20 **(2) PRODUCTION ARRANGEMENTS AUTHORIZED; AGREEMENTS BETWEEN SAME**  
21 **PRODUCER TYPE.** (a) Production arrangements under subs. (3) to (5) are authorized  
22 as provided in this section. A permittee that enters into such a production  
23 arrangement does not act as an agent for or in the employ of another under s. 125.52  
24 (3) or 125.53 (2), and such a production arrangement is not a prohibited interest  
25 under s. 125.20.

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1 (b) Except as provided in sub. (3) (b) 2. and 3., agreements authorized under  
2 this section may be entered into only by producers who hold permits issued under the  
3 same section of this chapter.

4 **(3) CONTRACT PRODUCTION.** (a) An agreement for contract production shall  
5 comply with the requirements of this subsection.

6 (b) An agreement for contract production may be entered into between any of  
7 the following:

8 1. Two producers possessing the same type of permit.

9 2. A permittee under s. 125.29, as the contract producer, and a permittee under  
10 s. 125.295, as the recipe producer.

11 3. A producer and an out-of-state recipe supplier.

12 (c) All contract production activities shall occur pursuant to a written  
13 agreement between the contract producer and the recipe producer or out-of-state  
14 recipe supplier.

15 (d) 1. Except as provided in subd. 2., alcohol beverages produced under an  
16 agreement for contract production between a contract producer and a recipe  
17 producer shall count toward the production volume of the recipe producer and shall  
18 be considered, for this purpose, as produced on the recipe producer's premises.

19 2. Alcohol beverages produced under an agreement for contract production  
20 between a contract producer and a recipe producer may not be considered in  
21 determining production volume for purposes of ss. 125.29 (7), 125.52 (4), and 125.53  
22 (3), but shall be considered as produced by the recipe producer for other purposes  
23 under ss. 125.29 (7), 125.52 (4), and 125.53 (3).

24 (e) The recipe producer shall be considered the producer for purposes of filing  
25 reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and

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1 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured  
2 under a contract production agreement in the report required under s. 139.11 (2).  
3 For alcohol beverages produced under an agreement for contract production between  
4 a contract producer and a recipe producer, the contract producer shall exclude the  
5 alcohol beverages from reports required under s. 139.11 (2).

6 **(4) ALTERNATING PROPRIETORSHIP.** (a) An alternating proprietorship shall  
7 comply with the requirements of this subsection.

8 (b) All alternating proprietorships shall occur pursuant to a written agreement  
9 between the host producer and guest producer.

10 (c) The agreement under par. (b) shall provide that the guest producer retains  
11 the right to control the production of the alcohol beverages. If the agreement  
12 provides that the host producer and host producer's personnel are agents of the guest  
13 producer or acting under the direction of the guest producer, the agreement shall  
14 specify the terms and compensation for the use of the host producer's personnel.

15 (d) The guest producer shall be considered the producer for purposes of filing  
16 reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and  
17 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured  
18 under an alternating proprietorship in the report required under s. 139.11 (2). The  
19 host producer shall exclude alcohol beverages manufactured in an alternating  
20 proprietorship from reports required under s. 139.11 (2).

21 (e) Alcohol beverages produced under an alternating proprietorship shall count  
22 toward the production volume of the guest producer and shall be considered, for this  
23 purpose, as produced on the guest producer's premises.

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1           **(5) LICENSING AGREEMENTS.** (a) A producer may enter into a licensing  
2 agreement or contract with a licensor authorizing the producer-licensee to use the  
3 licensor's trademark or name if all of the following requirements are satisfied:

4           1. The licensing agreement or contract is in writing.

5           2. The producer-licensee is entirely responsible for producing the alcohol  
6 beverages and for all related processing steps and regulatory requirements.

7           (b) Alcohol beverages produced under the licensing agreement shall count  
8 toward the production volume of the producer-licensee and shall be considered, for  
9 this purpose, as produced on the producer-licensee's premises.

10           **SECTION 94.** 125.22 of the statutes is created to read:

11           **125.22 Common carrier permit; shipments into state. (1) PERMIT.** (a)  
12 No common carrier may transport into or deliver within this state any alcohol  
13 beverages unless the common carrier first obtains a permit from the division under  
14 this section. This subsection does not apply to the transportation into this state for  
15 delivery to, or delivery within this state to, a person that holds a license or permit  
16 issued under this chapter that authorizes the licensee or permittee to receive the  
17 alcohol beverages.

18           (b) A permit under this section authorizes only the transport into or delivery  
19 within this state of wine on behalf of a person holding a direct wine shipper's permit  
20 under s. 125.535 or a fulfillment house permit under s. 125.23.

21           (c) An applicant for a permit under this section shall provide all information  
22 required by the division. The division shall require the applicant to submit  
23 information, as determined to be appropriate by the division, that is similar to the  
24 information required of an applicant for a permit under s. 125.58.



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1 (d) A permit under this section may be issued only to a person who holds a valid  
2 certificate issued under s. 73.03 (50).

3 (e) A permittee under this section shall pay an annual fee of \$1,000.

4 **(2) REPORTS.** (a) No later than the 15th day of each month, a common carrier  
5 holding a permit under this section shall submit a verified report to the division, in  
6 the form and manner prescribed by the division, that includes all of the following  
7 information for each shipment of alcohol beverages during the preceding month:

8 1. The name and address of the person that manufactured the alcohol  
9 beverages.

10 2. The name and address of the consignor of the shipment, if different from the  
11 person that manufactured the alcohol beverages.

12 3. The name and address of the consignee of the shipment.

13 4. The date of the shipment.

14 5. The type and quantity of alcohol beverages shipped to the consignee, as  
15 reported to the common carrier by the consignor.

16 6. The parcel tracking number, waybill number, or other identifying number  
17 for the shipment.

18 (b) The division and the department shall keep confidential the information  
19 under par. (a) 3. and 6., and this information is not subject to public copying or  
20 inspection under s. 19.35 (1), but all other information included in a report under par.

21 (a) is subject to public copying and inspection under s. 19.35 (1) and may not be  
22 treated by the division or the department as confidential under any provision of s.  
23 71.78, 71.83, or 139.11 (4).

24 (c) Nothing in this section alters the requirement that a person shipping alcohol  
25 beverages into this state obtain all required permits under this chapter prior to

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1 shipment, including any permit under s. 125.535. Nothing in this section grants a  
2 manufacturer, rectifier, or shipper of alcohol beverages, including a winery, authority  
3 to ship alcohol beverages into this state. Nothing in this section alters the  
4 face-to-face sales requirement in ss. 125.272 and 125.51 (6).

5 **(3) PENALTIES.** (a) Any common carrier that fails to obtain a permit required  
6 under sub. (1) prior to commencing delivery of alcohol beverages in this state is  
7 subject to a fine of not more than \$10,000.

8 (b) Any common carrier that ships alcohol beverages other than wine obtained  
9 from a direct wine shipper permittee under s. 125.535 or from a fulfillment house  
10 permittee under s. 125.23 is subject to a forfeiture of not more than \$2,000. The  
11 division shall revoke the permit of any common carrier that violates this prohibition  
12 in more than one month during a calendar year. Except as provided in this  
13 paragraph, s. 125.12 (5) shall apply with respect to the division's revocation of the  
14 permit.

15 (c) If a common carrier fails to submit a report required under sub. (2), the  
16 common carrier is subject to a forfeiture of not more than \$2,000.

17 **SECTION 95.** 125.23 of the statutes is created to read:

18 **125.23 Fulfillment houses. (1) PERMIT.** (a) Before making any shipment to,  
19 or causing any shipment to be made to, any individual in this state, a person  
20 operating a fulfillment house shall obtain from the division a fulfillment house  
21 permit for each location that is involved in the process of shipping wine to residents  
22 of this state.

23 (b) A person holding a permit under this section may provide services only for  
24 the warehousing, packaging, order fulfillment, and shipment of alcohol beverages

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1 produced by and belonging to a person holding a direct wine shipper's permit under  
2 s. 125.535.

3 (c) An applicant for a permit under this section shall pay an annual fee of \$100  
4 for each permit. The permit may be issued for a period of one year and may be  
5 renewed annually.

6 (d) A permit under this section may be issued only to a person who holds a valid  
7 certificate issued under s. 73.03 (50).

8 **(2) PERMIT APPLICATION.** (a) An applicant for a permit under this section shall  
9 provide all of the following information as part of the permit application:

10 1. All locations from which alcohol beverages are to be shipped under the  
11 permit.

12 2. Any other information required by the division. The division shall require  
13 the applicant to submit information, as determined to be appropriate by the division,  
14 that is similar to the information required of an applicant for a permit under s.  
15 125.58.

16 (b) Notwithstanding s. 125.04 (5) (a), natural persons obtaining fulfillment  
17 house permits are not required to be residents of this state. Notwithstanding s.  
18 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server  
19 training course to be eligible for a permit under this section. Corporations and  
20 limited liability companies obtaining fulfillment house permits are subject to s.  
21 125.04 (6) and any other person, including any natural person or cooperative,  
22 obtaining a fulfillment house permit shall appoint an agent, and be subject to all  
23 provisions of s. 125.04 (6), in the same manner applicable to corporations and limited  
24 liability companies.

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1           **(3) PACKAGE LABELING.** A person holding a permit under this section shall  
2 ensure all containers of wine shipped directly to an individual in this state are  
3 labeled with all of the following information:

4           (a) The following words, appearing in capital letters and in a conspicuous  
5 location: “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER  
6 REQUIRED FOR DELIVERY.”

7           (b) The name, address, and permit number of the fulfillment house permittee  
8 and the name, address, and permit number of the direct wine shipper.

9           **(4) SHIPMENT.** (a) A fulfillment house permittee may not ship into this state  
10 wine from any person not holding a direct wine shipper’s permit under s. 125.535.

11           (b) A fulfillment house permittee may not ship wine into this state through a  
12 common carrier that does not hold a permit under s. 125.22. All containers of wine  
13 shipped directly to an individual in this state shall be shipped using a common  
14 carrier holding a permit issued under s. 125.22.

15           (c) Prior to shipping wine to an individual in this state, a fulfillment house  
16 permittee shall verify the validity of the permit of each direct wine shipper and of  
17 each common carrier associated with the shipment.

18           **(5) REPORTS.** (a) No later than the 15th day of each month, a fulfillment house  
19 holding a permit under this section shall submit a verified report to the division, in  
20 the form and manner prescribed by the division, that includes all of the following  
21 information for each shipment of alcohol beverages during the preceding month:

22           1. The name and address of the person that manufactured the alcohol  
23 beverages.

24           2. The name and address of the consignor of the shipment, if different from the  
25 person that manufactured the alcohol beverages.

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1           3. The name and address of the consignee of the shipment.

2           4. The date of the shipment.

3           5. The type and quantity of alcohol beverages shipped to the consignee.

4           6. The parcel tracking number, waybill number, or other identifying number  
5 for the shipment.

6           (b) The division and the department shall keep confidential the information  
7 under par. (a) 3. and 6., and this information is not subject to public copying or  
8 inspection under s. 19.35 (1), but all other information included in a report under par.  
9 (a) is subject to public copying and inspection under s. 19.35 (1) and may not be  
10 treated by the division or the department as confidential under any provision of s.  
11 71.78, 71.83, or 139.11 (4).

12           **(6) PENALTIES.** (a) Any fulfillment house that fails to obtain a permit under this  
13 section in violation of sub. (1) is subject to a fine of not more than \$10,000.

14           (b) Any permittee under this section that ships alcohol beverages other than  
15 wine obtained from a direct wine shipper holding a permit under s. 125.535 is subject  
16 to a forfeiture of not more than \$2,000. The division shall revoke the permit of any  
17 permittee that violates this prohibition in more than one month during a calendar  
18 year. Except as provided in this paragraph, s. 125.12 (5) shall apply with respect to  
19 the division's revocation of the permit.

20           (c) If a fulfillment house fails to submit a report required under sub. (5), the  
21 fulfillment house is subject to a forfeiture of not more than \$2,000.

22           **SECTION 96.** 125.24 of the statutes is created to read:

23           **125.24 No-sale event venue permit. (1) PERMIT ISSUANCE.** (a) Except as  
24 otherwise provided in this section, the division may issue to property owners no-sale  
25 event venue permits that authorize the permittee to rent or lease real property for

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1 use as an event venue at which fermented malt beverages and wine are consumed  
2 if all requirements under this section are satisfied.

3 (b) A no-sale event venue permit may be issued only to a person who holds a  
4 valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except  
5 that a person is not required to complete a responsible beverage server training  
6 course to be eligible for a permit under this section.

7 (c) A no-sale event venue permit may not be issued unless all of the following  
8 are satisfied:

9 1. The applicant certifies in the permit application how many events were held  
10 at the venue in the 12-month period immediately preceding the application.

11 2. The applicant identifies with specificity in the permit application the  
12 property that is the event venue covered by the permit.

13 (d) Subject to sub. (2) (c) 3., a permit may not be issued under this section for  
14 premises that are covered by any other license or permit under this chapter, but a  
15 caterer holding Class "B" and "Class B" licenses may deliver fermented malt  
16 beverages and wine to the event venue if all requirements under sub. (2) are  
17 satisfied.

18 (e) The division shall establish an annual fee, calculated to cover the division's  
19 administrative costs under this section, for a permit issued under this section.

20 **(2) ACTIVITIES AUTHORIZED UNDER PERMIT.** (a) A no-sale event venue permit  
21 authorizes the permittee to rent or lease real property for use as an event venue at  
22 which fermented malt beverages and wine are consumed on no more than 6 days per  
23 calendar year and no more than one day per month.

24 (b) 1. A no-sale event venue permittee may not sell or otherwise provide alcohol  
25 beverages to the renter or lessee of the event venue or to any guest or attendee of an

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1 event on the event venue, including charging admission for an event on the event  
2 venue at which any alcohol beverages are served.

3 2. A no-sale event venue permittee may not allow any person to possess  
4 distilled spirits on the event venue when the event venue is being used by a renter  
5 or lessee.

6 (c) Subject to pars. (d) and (e), a no-sale event venue permit authorizes the  
7 permittee to do any of the following:

8 1. Allow the renter or lessee of the event venue to bring the renter's or lessee's  
9 own fermented malt beverages and wine onto the event venue and serve it to guests  
10 without charge.

11 2. Allow the guests of the renter or lessee to bring fermented malt beverages  
12 and wine onto the event venue to be consumed by the guests without charge.

13 3. Allow the renter or lessee to obtain temporary Class "B" and "Class B"  
14 licenses for an event held on the event venue and sell fermented malt beverages and  
15 wine under the temporary Class "B" and "Class B" licenses on the event venue.

16 4. Allow the renter or lessee to contract with a caterer holding Class "B" and  
17 "Class B" licenses for the caterer to provide fermented malt beverages and wine to  
18 the renter or lessee and the renter's or lessee's guests without charge on the event  
19 venue.

20 (d) If a renter or lessee of an event venue contracts with a caterer as provided  
21 in par. (c) 4., all of the following apply:

22 1. Neither the renter or lessee of the event venue nor any guest of the renter  
23 or lessee may bring alcohol beverages onto the event venue.

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1           2. The caterer may serve the fermented malt beverages and wine that are  
2 provided on the event venue, but service shall be performed only by persons holding  
3 an operator's license under s. 125.17.

4           3. The caterer may not provide fermented malt beverages or wine on the event  
5 venue unless the renter or lessee has first purchased the fermented malt beverages  
6 or wine from the caterer in a face-to-face transaction at the caterer's licensed retail  
7 premises.

8           (e) A renter or lessee of an event venue covered by a permit under this section  
9 may not do any of the following:

10           1. Except as provided in par. (c) 3., sell any alcohol beverages to guests or  
11 attendees of an event on the event venue, including charging admission for an event  
12 on the event venue at which any alcohol beverages are served.

13           2. Allow any person to possess distilled spirits on the event venue.

14           3. If there are 20 or more people on the event venue, allow the service of  
15 fermented malt beverages or wine unless the service is performed by a person  
16 holding an operator's license under s. 125.17.

17           **(3) INTEREST RESTRICTIONS.** Subject to s. 125.20 (6), a no-sale event venue  
18 permit may not be issued to any person who holds, or has an interest in a permittee  
19 holding, any of the following:

20           (a) A wholesaler's permit issued under s. 125.28 or 125.54.

21           (b) A brewer's permit issued under s. 125.29.

22           (c) A brewpub permit issued under s. 125.295.

23           (d) A winery permit issued under s. 125.53.

24           (e) A manufacturer's or rectifier's permit issued under s. 125.52.

25           (f) An out-of-state shipper's permit issued under s. 125.30 or 125.58.



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1           **(4) EXCEPTION FOR PERMITTEE APPLYING FOR RETAIL LICENSE.** Notwithstanding  
2 any operating limitation in sub. (1) or (2), a permittee under this section that has  
3 applied for and is actively seeking a Class “B” or “Class B” license for the event venue  
4 covered by the no-sale event venue permit may, for 6 months after the date of the  
5 Class “B” or “Class B” license application, continue to operate in a manner similar  
6 to the manner in which it operated in the immediately preceding 12-month period  
7 if all of the following apply:

8           (a) The permittee has determined that it can no longer operate under the  
9 no-sale event venue permit.

10           (b) The permittee has provided notice to the division of the application for a  
11 Class “B” or “Class B” license.

12           (c) The permittee has not previously held a no-sale event venue permit for  
13 which the permittee provided notice under par. (b).

14           **(5) QUOTA EXCEPTION FOR QUALIFYING PERSONS WHO OPT OUT OF NO-SALE EVENT**  
15 **VENUE PERMIT.** (a) In this subsection, “qualifying event venue” means real property  
16 that is rented or leased for use as an event venue for private events that satisfy all  
17 of the following requirements in the preceding 12-month period:

18           1. There were at least 5 events held at the venue at which no fewer than 50  
19 invited guests attended.

20           2. The venue owner received at least \$20,000 in revenue from renting or leasing  
21 the venue for the events under subd. 1.

22           (b) Upon application, the division shall certify an owner of a qualifying event  
23 venue as eligible for the quota exception under s. 125.51 (4) (v) 5. if all of the following  
24 apply:

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1           1. The qualifying event venue is in operation on the effective date of this  
2 subdivision .... [LRB inserts date], and has been in operation for the 12-month period  
3 immediately preceding the date of the application.

4           2. The qualifying event venue has not been a Class “B” or “Class B” licensed  
5 premises at any time in the 12-month period immediately preceding the date of the  
6 application.

7           3. The owner of the qualifying event venue has not applied for a permit under  
8 this section.

9           4. The owner of the qualifying event venue provides documentation to the  
10 division that, in the absence of the exception under s. 125.51 (4) (v) 5., the  
11 municipality in which the qualifying event venue is located would be prohibited  
12 under s. 125.51 (4) (am) from issuing the owner a “Class B” license.

13           5. The owner of the qualifying event venue provides documentation to the  
14 division showing, and the division confirms, that the requirements under subd. 1.  
15 and par. (a) are satisfied.

16           6. The owner of the qualifying event venue provides notice to the division no  
17 later than 60 days after the effective date of this subdivision .... [LRB inserts date],  
18 that the owner is applying for a “Class B” license and is not seeking a no-sale event  
19 venue permit.

20           (c) The division shall act on an application for certification under par. (b) within  
21 30 days of receiving the application.

22           (d) The division may not issue a certification under par. (b) after the first day  
23 of the 7th month beginning after the effective date of this paragraph .... [LRB inserts  
24 date].

25           **SECTION 97.** 125.25 (2) (b) of the statutes is repealed and recreated to read:

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1           125.25 (2) (b) Subject to s. 125.20 (6), a Class “A” license may not be issued to  
2 any person who holds, or has an interest in a permittee holding, any of the following:

3           1. A wholesaler’s permit issued under s. 125.28 or 125.54.

4           2. A brewer’s permit issued under s. 125.29.

5           3. A brewpub permit issued under s. 125.295.

6           4. A winery permit issued under s. 125.53.

7           5. A manufacturer’s or rectifier’s permit issued under s. 125.52.

8           6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

9           **SECTION 98.** 125.26 (2) (b) of the statutes is repealed and recreated to read:

10           125.26 (2) (b) Subject to s. 125.20 (6), a Class “B” license may not be issued to  
11 any person who holds, or has an interest in a permittee holding, any of the following:

12           1. A wholesaler’s permit issued under s. 125.28 or 125.54.

13           2. A brewer’s permit issued under s. 125.29.

14           3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. b., and (3) (b), a brewpub  
15 permit issued under s. 125.295.

16           4. A winery permit issued under s. 125.53.

17           5. A manufacturer’s or rectifier’s permit issued under s. 125.52.

18           6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

19           **SECTION 99.** 125.26 (2m) of the statutes is amended to read:

20           125.26 (2m) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class “B” license  
21 authorizes a person operating a hotel to furnish a registered guest who has attained  
22 the legal drinking age with a selection of fermented malt beverages in the guest’s  
23 room which is not part of the Class “B” premises. Fermented malt beverages  
24 furnished under this subsection shall be furnished in original packages or containers  
25 and stored in a cabinet, refrigerator or other secure storage place. The cabinet,

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1 refrigerator or other secure storage place must be capable of being locked. The  
2 cabinet, refrigerator or other secure storage place shall be locked, or the fermented  
3 malt beverages shall be removed from the room, when the room is not occupied and  
4 when fermented malt beverages are not being furnished under this subsection. A key  
5 for the lock shall be supplied to a guest who has attained the legal drinking age upon  
6 request at registration. The hotel shall prominently display a price list of the  
7 fermented malt beverages in the hotel room. Fermented malt beverages may be  
8 furnished at the time the guest occupies the room, but for purposes of this chapter,  
9 the sale of fermented malt beverages furnished under this subsection is considered  
10 to occur at the time and place that the guest pays for the fermented malt beverages.  
11 Notwithstanding s. 125.32 (3), the guest may pay for the fermented malt beverages  
12 at any time if he or she pays in conjunction with checking out of the hotel. An  
13 individual who stocks or accepts payment for alcohol beverages under this  
14 subsection shall be the licensee, the agent named in the license if the licensee is a  
15 corporation or limited liability company, or the holder of a manager's or operator's  
16 license or operator's permit, or be supervised by one of those individuals.

17 **SECTION 100.** 125.26 (2s) (b) of the statutes is amended to read:

18 125.26 (2s) (b) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class "B" license  
19 authorizes a person operating a coliseum or a concessionaire to furnish the holder  
20 of a coliseum suite who has attained the legal drinking age with a selection of  
21 fermented malt beverages in the coliseum suite that is not part of the Class "B"  
22 premises. Fermented malt beverages furnished under this paragraph shall be  
23 furnished in original packages or containers and stored in a cabinet, refrigerator or  
24 other secure storage place. The cabinet, refrigerator or other secure storage place  
25 or the coliseum suite must be capable of being locked. The cabinet, refrigerator or

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1 other secure storage place or the coliseum suite shall be locked, or the fermented malt  
2 beverages shall be removed from the coliseum suite, when the coliseum suite is not  
3 occupied and when fermented malt beverages are not being furnished under this  
4 paragraph. Fermented malt beverages may be furnished at the time the holder  
5 occupies the coliseum suite, but for purposes of this chapter, the sale of fermented  
6 malt beverages furnished under this paragraph is considered to occur at the time and  
7 place that the holder pays for the fermented malt beverages. Notwithstanding s.  
8 125.32 (3), the holder of a coliseum suite may pay for the fermented malt beverages  
9 at any time if he or she pays in accordance with the terms of an agreement with the  
10 person operating the coliseum or with the concessionaire. An individual who stocks  
11 or accepts payment for alcohol beverages under this paragraph shall be the licensee,  
12 the agent named in the license if the licensee is a corporation or limited liability  
13 company, or the holder of a manager's or operator's license or operator's permit, or  
14 be supervised by one of those individuals.

15 **SECTION 101.** 125.27 (1) (a) of the statutes is amended to read:

16 125.27 (1) (a) The ~~department~~ division shall issue Class "B" permits to clubs  
17 holding a valid certificate issued under s. 73.03 (50) that are operated solely for the  
18 playing of golf or tennis and are commonly known as country clubs and to clubs that  
19 are operated solely for curling, ski jumping or yachting, if the club is not open to the  
20 general public and if no Class "B" licenses are issued by the governing body of the  
21 municipality in which the club is located. A Class "B" permit authorizes retail sales  
22 of fermented malt beverages to be consumed on the premises where sold. Persons  
23 holding a Class "B" permit may sell beverages containing less than 0.5 percent of  
24 alcohol by volume without obtaining a license under s. 66.0433.

25 **SECTION 102.** 125.27 (2) (a) 1. (intro.) of the statutes is amended to read:

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1           125.27 (2) (a) 1. (intro.) The ~~department~~ division may issue a Class “B” permit  
2 to any person who holds a valid certificate issued under s. 73.03 (50) and who is  
3 qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for  
4 consumption on any vessel having a regular place of mooring located in any waters  
5 of this state as defined under s. 29.001 (45) and (63) if any of the following applies:

6           **SECTION 103.** 125.27 (2) (a) 2. of the statutes is amended to read:

7           125.27 (2) (a) 2. The ~~department~~ division may issue the permit only if the vessel  
8 leaves its place of mooring while the sale of fermented malt beverages is taking place  
9 and if the vessel fulfills the requirement under par. (am). A permit issued under this  
10 paragraph also authorizes the permittee to store fermented malt beverages  
11 purchased for sale on the vessel on premises owned or leased by the permittee and  
12 located near the vessel’s regular place of mooring. The permittee shall describe on  
13 the permit application under s. 125.04 (3) (a) 3. the premises where the fermented  
14 malt beverages will be stored. The premises shall be open to inspection by the  
15 ~~department~~ division upon request.

16           **SECTION 104.** 125.27 (3) (b) of the statutes is amended to read:

17           125.27 (3) (b) Upon application, the ~~department~~ division shall issue a Class “B”  
18 permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is  
19 qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of  
20 fermented malt beverages for consumption on or off the premises where sold.

21           **SECTION 105.** 125.27 (5) (b) and (f) of the statutes are amended to read:

22           125.27 (5) (b) The ~~department~~ division may issue Class “B” permits for  
23 locations within racetrack grounds to any person that holds a valid certificate issued  
24 under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner  
25 or operator of the racetrack grounds or is designated by the owner or operator of the

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1 racetrack grounds to operate premises located within the racetrack grounds. Subject  
2 to par. (e), the permit authorizes the retail sale of fermented malt beverages on the  
3 premises covered by the permit, for consumption anywhere within the racetrack  
4 grounds. If the ~~department~~ division issues more than one permit under this  
5 subsection for the same racetrack grounds, no part of the premises covered by a  
6 permit under this subsection may overlap with premises covered by any other permit  
7 issued under this subsection.

8 (f) The ~~department~~ division shall establish a fee for a permit issued under this  
9 subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

10 **SECTION 106.** 125.27 (7) of the statutes is created to read:

11 125.27 (7) INTEREST RESTRICTIONS. Subject to s. 125.20 (6), a Class “B” permit  
12 may not be issued to any person who holds, or has an interest in a permittee holding,  
13 any of the following:

14 (a) A wholesaler’s permit issued under s. 125.28 or 125.54.

15 (b) A brewer’s permit issued under s. 125.29.

16 (c) A brewpub permit issued under s. 125.295.

17 (d) A winery permit issued under s. 125.53.

18 (e) A manufacturer’s or rectifier’s permit issued under s. 125.52.

19 (f) An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

20 **SECTION 107.** 125.275 (1) of the statutes is amended to read:

21 125.275 (1) The ~~department~~ division may issue an industrial fermented malt  
22 beverages permit which authorizes the permittee to purchase and use fermented  
23 malt beverages for industrial purposes only. Such permits may be issued only to  
24 persons who prove to the ~~department~~ division that they use alcohol for industrial  
25 purposes and who holds a valid certificate issued under s. 73.03 (50).

**ASSEMBLY BILL 304****SECTION 108**

1           **SECTION 108.** 125.275 (2) (b) of the statutes is amended to read:

2           125.275 (2) (b) An industrial fermented malt beverages permit may not be  
3 issued to a person holding a wholesaler's permit issued under s. 125.28 or to a person  
4 who has ~~a direct or indirect ownership~~ an interest in a ~~premises operating under a~~  
5 ~~wholesaler's permit issued~~ permittee under s. 125.28.

6           **SECTION 109.** 125.275 (3) of the statutes is amended to read:

7           125.275 (3) Shipments of industrial fermented malt beverages shall be  
8 conspicuously labeled "for industrial purposes" and shall meet other requirements  
9 which the ~~department~~ division prescribes by rule.

10          **SECTION 110.** 125.28 (1) (a) of the statutes is amended to read:

11          125.28 (1) (a) Subject to par. (b), the ~~department~~ division may issue permits to  
12 wholesalers for the sale of fermented malt beverages from premises within this state,  
13 which premises shall comply with the requirements under s. 125.34 (2). Subject to  
14 s. 125.34, and except as provided in pars. (e) and (f), a wholesaler's permit authorizes  
15 sales of fermented malt beverages only in original packages or containers to retailers  
16 or wholesalers.

17          **SECTION 111.** 125.28 (1) (b) of the statutes is amended to read:

18          125.28 (1) (b) If a wholesaler does not maintain any warehouse in this state but  
19 is licensed and maintains a warehouse in an adjoining state that allows wholesalers  
20 holding a wholesaler's permit in this state to deliver fermented malt beverages to  
21 retailers in the adjoining state without warehousing in that state and that further  
22 requires that all fermented malt beverages be first unloaded and physically at rest  
23 at, and distributed from, the warehouse of the licensed wholesaler in that state, the  
24 wholesaler's permit shall be issued by the ~~department~~ division. Notwithstanding s.  
25 125.04 (5) (a) 2. and (c) and (6), the ~~department~~ division may issue the wholesaler's



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1 permit to a wholesaler described in this paragraph who is a natural person and not  
2 a resident of this state or that is a corporation or limited liability company and has  
3 not appointed an agent in this state.

4 **SECTION 112.** 125.28 (2) (b) (intro.) of the statutes is amended to read:

5 125.28 (2) (b) (intro.) ~~A~~ Subject to s. 125.20 (6), a wholesaler's permit may not  
6 be issued to any of the following:

7 **SECTION 113.** 125.28 (2) (b) 1. a. of the statutes is amended to read:

8 125.28 (2) (b) 1. a. A Class "A" license issued under s. 125.25 or "Class A" license  
9 issued under s. 125.51 (2).

10 **SECTION 114.** 125.28 (2) (b) 1. b. of the statutes is amended to read:

11 125.28 (2) (b) 1. b. A Class "B" license issued under s. 125.26, "Class B" license  
12 issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

13 **SECTION 115.** 125.28 (2) (b) 1. c. of the statutes is amended to read:

14 125.28 (2) (b) 1. c. A Class "B" permit issued under s. 125.27 or "Class B" permit  
15 issued under s. 125.51 (5).

16 **SECTION 116.** 125.28 (2) (b) 1. g., h. and i. of the statutes are created to read:

17 125.28 (2) (b) 1. g. A winery permit issued under s. 125.53.

18 h. A manufacturer's or rectifier's permit issued under s. 125.52.

19 i. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

20 **SECTION 117.** 125.28 (2) (b) 1. j. of the statutes is created to read:

21 125.28 (2) (b) 1. j. A no-sale event venue permit issued under s. 125.24.

22 **SECTION 118.** 125.28 (2) (b) 2. of the statutes is amended to read:

23 125.28 (2) (b) 2. ~~Except as provided in s. 125.33 (2m)~~ Subject to s. 125.20 (6),  
24 a person who has ~~a direct or indirect ownership~~ an interest in a premises operating  
25 under person holding one or more of the licenses or permits listed in subd. 1. a. to f.

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1           **SECTION 119.** 125.28 (2) (e) of the statutes is repealed.

2           **SECTION 120.** 125.28 (4) of the statutes is amended to read:

3           125.28 (4) The amount of the permit fee shall be established by the ~~department~~  
4           division and shall be an amount that is sufficient to fund one special agent position  
5           dedicated to alcohol and tobacco enforcement at in the department division, but the  
6           permit fee may not exceed \$2,500 per year or fractional part thereof. All permit fees  
7           received under this subsection shall be credited to the appropriation account under  
8           s. 20.566 (1) (hd).

9           **SECTION 121.** 125.28 (5) (b) of the statutes is amended to read:

10           125.28 (5) (b) A wholesaler under this section shall annually sell and deliver  
11           fermented malt beverages to at least 25 retail licensees or other wholesalers that do  
12           not have any ~~direct or indirect~~ an interest in each other or in the wholesaler. The  
13           ~~department~~ division may not issue a permit under this section unless the applicant  
14           represents to the ~~department~~ division an intention to satisfy this requirement, and  
15           may not renew a permit issued under this section unless the wholesaler  
16           demonstrates that this requirement has been satisfied.

17           **SECTION 122.** 125.28 (5) (d) 3. of the statutes is amended to read:

18           125.28 (5) (d) 3. This paragraph shall not affect the authority of any  
19           municipality or the ~~department~~ division to revoke, suspend, or refuse to renew or  
20           issue a license or permit under s. 125.12.

21           **SECTION 123.** 125.28 (5) (e) of the statutes is amended to read:

22           125.28 (5) (e) The ~~department~~ division shall promulgate rules to administer  
23           and enforce the requirements under this subsection. The rules shall ensure  
24           coordination between the ~~department's~~ division's issuance and renewal of permits  
25           under this section and its enforcement of the requirements of this subsection, and

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1 shall require that all applications for issuance or renewal of permits under this  
2 section be processed by ~~department~~ division personnel generally familiar with  
3 activities of fermented malt beverages wholesalers. The ~~department~~ division shall  
4 establish by rule minimum requirements for warehouse facilities on premises  
5 described in permits issued under this section and for periodic site inspections by the  
6 ~~department~~ division of such warehouse facilities.

7 **SECTION 124.** 125.29 (1) of the statutes is amended to read:

8 125.29 (1) PERMIT. No person may operate as a brewer unless that person  
9 obtains a permit from the ~~department~~ division. A permit under this section may only  
10 be issued to a person who holds a valid certificate issued under s. 73.03 (50).

11 **SECTION 125.** 125.29 (2) (a) of the statutes is repealed and recreated to read:

12 125.29 (2) (a) Subject to s. 125.20 (6), a brewer's permit may not be issued to  
13 any person who holds, or has an interest in a licensee or permittee holding, any of  
14 the following:

15 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under  
16 s. 125.51 (2).

17 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.  
18 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

19 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under  
20 s. 125.51 (5).

21 4. Except as provided in par. (c), a wholesaler's permit issued under s. 125.28  
22 or 125.54.

23 5. A brewpub permit issued under s. 125.295.

24 **SECTION 126.** 125.29 (2) (a) 6. of the statutes is created to read:

25 125.29 (2) (a) 6. A no-sale event venue permit under s. 125.24.

**ASSEMBLY BILL 304****SECTION 127**

1           **SECTION 127.** 125.29 (2) (b) 1. and 2. of the statutes are repealed.

2           **SECTION 128.** 125.29 (2) (b) 3. of the statutes is renumbered 125.29 (2) (c).

3           **SECTION 129.** 125.29 (3) (intro.) of the statutes is amended to read:

4           125.29 (3) AUTHORIZED ACTIVITIES. (intro.) The ~~department~~ division shall issue  
5 brewer's permits to eligible applicants authorizing all of the following:

6           **SECTION 130.** 125.29 (3) (c) of the statutes is amended to read:

7           125.29 (3) (c) The transportation of fermented malt beverages between the  
8 brewery premises and any depot ~~or~~, warehouse, or full-service retail outlet  
9 maintained by the brewer, off-site retail outlet established by the brewer, or other  
10 premises for which the brewer holds a permit under this chapter.

11           **SECTION 131.** 125.29 (3) (dm) of the statutes is created to read:

12           125.29 (3) (dm) The sale, shipment, transportation, and delivery of fermented  
13 malt beverages, in bulk or in any state of packaging, that have been manufactured  
14 by the brewer to another brewer holding a permit under this section, and the receipt  
15 of the fermented malt beverages by the other brewer.

16           **SECTION 132.** 125.29 (3) (e) of the statutes is amended to read:

17           125.29 (3) (e) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub.  
18 (7) (h), the retail sale of fermented malt beverages that have been manufactured on  
19 the brewery premises or on other premises of the brewer for on-premise consumption  
20 by individuals at ~~the brewery premises or an off-site retail outlet established by the~~  
21 brewer.

22           **SECTION 133.** 125.29 (3) (f) of the statutes is amended to read:

23           125.29 (3) (f) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub.  
24 (7) (h), the retail sale to individuals of fermented malt beverages, in original  
25 unopened packages or containers, that have been manufactured on the brewery

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1 premises or on other premises of the brewer for off-premise consumption by  
2 individuals, if the sale occurs ~~at the brewery premises or~~ at an off-site retail outlet  
3 established by the brewer.

4 **SECTION 134.** 125.29 (3) (g) of the statutes is repealed.

5 **SECTION 135.** 125.29 (3) (h) of the statutes is renumbered 125.29 (3) (h) (intro.)  
6 and amended to read:

7 125.29 (3) (h) (intro.) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail  
8 sale of intoxicating liquor, for ~~on-premise~~ on-premises consumption by individuals  
9 at the brewery premises or an off-site retail outlet established by the brewer, if all  
10 of the following apply:

11 1. The brewer held, on June 1, 2011, a license or permit authorizing the retail  
12 sale of intoxicating liquor and if at the location.

13 2. The intoxicating liquor has been purchased by the brewer from a wholesaler  
14 holding a permit under s. 125.54.

15 **SECTION 136.** 125.29 (3) (h) 3. of the statutes is created to read:

16 125.29 (3) (h) 3. The brewer is not eligible to make full-service retail sales  
17 under sub. (7) at the location.

18 **SECTION 137.** 125.29 (3) (i) of the statutes is amended to read:

19 125.29 (3) (i) The provision of free taste samples on the brewery premises, at  
20 an off-site retail outlet established by the brewer, or at the brewer's full-service  
21 retail outlet if the taste samples are of alcohol beverages the brewer is authorized to  
22 sell under sub. (3) (e) and (f) or (7) (c) or as authorized under s. 125.33 (12).

23 **SECTION 138.** 125.29 (6) of the statutes is amended to read:

24 125.29 (6) RESTAURANTS. A brewer may operate a restaurant on the brewery  
25 premises ~~and, at an off-site retail outlet established by the brewer. A brewer may~~

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1 ~~not operate a restaurant at any other location except that a brewer may possess or~~  
2 ~~hold an indirect interest in a Class “B” license for not more than 20 restaurants in~~  
3 ~~each of which the sale of alcohol beverages accounts for less than 60 percent of the~~  
4 ~~restaurant’s gross receipts if no fermented malt beverages manufactured by the~~  
5 ~~brewer are offered for sale in any of these restaurants, and at any full-service retail~~  
6 ~~outlet under sub. (7). Unless engaged in retail sales under sub. (7), a brewer~~  
7 ~~operating a restaurant may only sell alcohol beverages that have been manufactured~~  
8 ~~under the brewer’s own brewer’s permit.~~

9 **SECTION 139.** 125.29 (7) and (8) of the statutes are created to read:

10 125.29 (7) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding  
11 ss. 125.04 (9) and 125.09 (1), a brewer may make retail sales, on the brewery  
12 premises, of fermented malt beverages that have been manufactured by the brewer  
13 on the brewery premises or on other premises of the brewer, for on-premises or  
14 off-premises consumption.

15 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a brewer manufactured, on  
16 all brewery premises operated by the brewer in this state, a cumulative total of at  
17 least 250 barrels of fermented malt beverages in any one of the 3 preceding calendar  
18 years, the brewer may engage in full-service retail sales on the brewery premises.

19 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and  
20 (g), if a brewer manufactured, on all brewery premises operated by the brewer in this  
21 state, a cumulative total of at least 250 barrels of fermented malt beverages in any  
22 one of the 3 preceding calendar years, the brewer may engage in full-service retail  
23 sales at off-site locations identified in the brewer’s permit. Subject to pars. (f) and  
24 (g), the number of retail sales locations a brewer is allowed in addition to the brewery  
25 premises is determined by the cumulative volume of fermented malt beverages the

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1 brewer manufactured on all brewery premises operated by the brewer in this state  
2 in any one of the 3 preceding calendar years, as follows:

3 1. If the brewer's cumulative volume in a year was at least 250 barrels of  
4 fermented malt beverages but less than 2,500 barrels of fermented malt beverages,  
5 the brewer may establish one full-service retail outlet.

6 2. If the brewer's cumulative volume in a year was at least 2,500 barrels of  
7 fermented malt beverages but less than 7,500 barrels of fermented malt beverages,  
8 the brewer may establish not more than 2 full-service retail outlets.

9 3. If the brewer's cumulative volume in a year was at least 7,500 barrels of  
10 fermented malt beverages, the brewer may establish not more than 3 full-service  
11 retail outlets.

12 (c) 1. Except as provided in subd. 2. and par. (f), a brewer may make full-service  
13 retail sales of alcohol beverages on the brewery premises and at any of its full-service  
14 retail outlets only if the alcohol beverages were purchased by the brewer from a  
15 wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to  
16 make sales to retailers under sub. (3m), from a brewpub authorized to make sales  
17 to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30 authorized  
18 to make sales to retailers under s. 125.30 (4).

19 2. A brewer is not required to purchase from another permittee fermented malt  
20 beverages manufactured by the brewer that the brewer sells at retail on the brewery  
21 premises or at a full-service retail outlet of the brewer.

22 3. Subject to subd. 2. and par. (f), a brewer engaged in full-service retail sales  
23 on brewery premises or at a full-service retail outlet of the brewer is subject to ss.  
24 125.33 (9) and 125.69 (6) to the same extent as if the brewer were a retail licensee.

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1 (d) 1. A brewer may not commence sales of alcohol beverages at a full-service  
2 retail outlet unless, prior to commencing such sales, the brewer receives approval  
3 from the municipality in which the full-service retail outlet is located and from the  
4 division as provided in par. (g).

5 2. Subject to par. (f), a municipality may limit the scope of alcohol beverages  
6 offered for sale at a full-service retail outlet only with respect to alcohol beverages  
7 that are not of the same type as those produced by the person holding the brewer's  
8 permit. A municipality may not limit the sale, at a full-service retail outlet, of  
9 alcohol beverages produced by the person holding the brewer's permit. A  
10 municipality may not limit the scope of alcohol beverages offered for sale under sub.  
11 (3) (h). If a municipality limits the scope of alcohol beverages offered for sale, the  
12 provision of taste samples is limited to those alcohol beverages authorized to be sold.

13 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall  
14 be based on the same standards and criteria that the municipality has established  
15 by ordinance for the evaluation and approval of retail license applications. A  
16 municipality may not impose any requirement or restriction in connection with the  
17 approval under subd. 1. that the municipality does not impose on retail licensees.

18 (e) If a brewer operates a restaurant as provided in sub. (6) and is authorized  
19 under this subsection to make retail sales of wine at the restaurant, the brewer may  
20 make retail sales of wine in an opened original bottle, in a quantity not to exceed one  
21 bottle, for consumption both at the restaurant and away from the restaurant if all  
22 of the following apply:

23 1. The purchaser of the wine orders food to be consumed at the restaurant.

24 2. The brewer provides a dated receipt that identifies the purchase of the food  
25 and the bottle of wine.



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1           3. Prior to the opened, partially consumed bottle of wine being taken away from  
2 the restaurant, the brewer securely reinserts the cork into the bottle to the point  
3 where the top of the cork is even with the top of the bottle, or securely reattaches the  
4 original cap to the bottle, and the cork is reinserted or the cap is reattached at a time  
5 other than during the hours in which the brewer is prohibited under sub. (8) (b) from  
6 making retail sales for off-premises consumption.

7           (f) 1. If a brewer may establish one or more full-service retail outlets under  
8 pars. (b) and (g) and the brewer also holds a manufacturer's or rectifier's permit or  
9 winery permit or both and, as such, may establish full-service retail outlets under  
10 s. 125.52 (4) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of full-service  
11 retail outlets that may be established is the maximum number authorized under par.  
12 (b), under s. 125.52 (4) (b), or under s. 125.53 (3) (b), whichever is greatest, but not  
13 exceeding 3 full-service retail outlets. Under these circumstances, each authorized  
14 full-service retail outlet shall serve as the full-service retail outlet associated with  
15 each applicable permit, regardless of whether the permittee would otherwise be  
16 entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.52  
17 (4) (b) or 125.53 (3) (b).

18           2. If a brewer may engage in full-service retail sales on the brewery premises  
19 as provided in par. (a) 2. and the brewer also holds a manufacturer's or rectifier's  
20 permit or winery permit or both, the brewer may make retail sales on the brewery  
21 premises of intoxicating liquor produced under its manufacturer's or rectifier's  
22 permit or winery permit without first purchasing the intoxicating liquor from a  
23 wholesaler holding a permit under s. 125.54.

24           3. If a person holds more than one brewer's permit under this section, the retail  
25 sales authority under this subsection for brewery premises applies with respect to

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1 each brewer's permit, but the limit on full-service retail outlets is an aggregate  
2 maximum, regardless of the number of brewer's permits held.

3 (g) 1. An application for a brewer's permit, including an application for an  
4 amendment to the brewer's permit, shall specify each full-service retail outlet of the  
5 brewer and particularly describe the premises of the full-service retail outlet.

6 2. The division shall establish a process for approval of a brewer's full-service  
7 retail outlet and for revocation of this approval. The division shall approve a brewer's  
8 full-service retail outlet, and may not revoke this approval, unless the brewer has  
9 violated a provision of this chapter related to full-service retail outlets. The  
10 division's failure to approve, or revocation of approval of, a full-service retail outlet  
11 described in a brewer's application or permit does not affect any other full-service  
12 retail outlet or the brewery premises as described in the application or permit.

13 3. If the division approves a full-service retail outlet, the brewer's permit, as  
14 initially issued or as amended, shall particularly describe the premises constituting  
15 the full-service retail outlet, which shall be considered part of the premises under  
16 the brewer's permit.

17 4. If the division approves a full-service retail outlet, the agent appointed  
18 under s. 125.04 (6) for the brewer's permit shall also serve as the agent for the  
19 full-service retail outlet.

20 5. Section 125.04 (12) (a) does not apply to a brewer's full-service retail outlet.  
21 Upon notice to the division, a brewer may relocate any full-service retail outlet to a  
22 new location within this state once per calendar year, except that one full-service  
23 retail outlet of a brewer may be relocated without limitation on frequency in each  
24 calendar year.

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1 (h) A brewer that is eligible to establish a full-service retail outlet under this  
2 subsection is not authorized to make retail sales of fermented malt beverages at an  
3 off-site retail outlet under sub. (3) (e) and (f).

4 **(8) CLOSING HOURS.** (a) On brewery premises, no person may sell alcohol  
5 beverages at retail for on-premises consumption, provide taste samples of alcohol  
6 beverages, or consume alcohol beverages during the closing hours applicable to a  
7 Class “B” licensee under s. 125.32 (3) (a). A full-service retail outlet under sub. (7)  
8 shall be subject to the same closing hours applicable to a Class “B” licensee under s.  
9 125.32 (3) (a).

10 (b) On brewery premises and at a full-service retail outlet, no person may sell  
11 alcohol beverages at retail for off-premises consumption during the hours in which  
12 a Class “B” licensee in the municipality where the brewery or retail outlet is located  
13 may not make retail sales under s. 125.32 (3) (am) and (d).

14 (c) No member of the public or invited guests may be present on brewery  
15 premises during the closing hours applicable to a Class “B” licensee under s. 125.32  
16 (3) (a).

17 (d) Activities authorized under a brewer’s permit related to the production,  
18 shipment, transportation, or delivery of alcohol beverages may occur at any time.

19 **SECTION 140.** 125.295 (1) (intro.) of the statutes is amended to read:

20 125.295 (1) (intro.) The ~~department~~ division shall issue brewpub permits to  
21 eligible applicants authorizing all of the following:

22 **SECTION 141.** 125.295 (1) (a) of the statutes is amended to read:

23 125.295 (1) (a) The manufacture of fermented malt beverages on the brewpub  
24 premises if, except as provided in s. 125.21 (2) and (3), the entire manufacturing  
25 process occurs on these premises and not more than ~~10,000~~ 20,000 barrels of

**ASSEMBLY BILL 304****SECTION 141**

1 fermented malt beverages are manufactured in a calendar year by the permittee's  
2 brewpub group.

3 **SECTION 142.** 125.295 (1) (fm) of the statutes is created to read:

4 125.295 (1) (fm) The sale, shipment, transportation, and delivery of fermented  
5 malt beverages, in bulk or in any state of packaging, that have been manufactured  
6 by the brewpub to another brewpub holding a permit under this section, and the  
7 receipt of the fermented malt beverages by the other brewpub.

8 **SECTION 143.** 125.295 (1) (g) of the statutes is amended to read:

9 125.295 (1) (g) The sale at wholesale, shipment, transportation, and delivery,  
10 in original unopened packages or containers, to retailers, from the brewpub  
11 premises, of fermented malt beverages that have been manufactured on these  
12 premises or on other brewpub premises of the brewpub. A brewpub's brewpub group  
13 may not sell, ship, transport, or deliver more than a total of ~~1,000~~ 2,000 barrels of  
14 fermented malt beverages in any calendar year to retailers under this paragraph.  
15 Fermented malt beverages provided by a brewpub to any retail premises for which  
16 the brewpub group holds a retail license shall not be included in any calculation of  
17 the ~~1,000~~ 2,000 barrel limitation under this paragraph. Deliveries and shipments  
18 of fermented malt beverages by a brewpub under this paragraph shall be made to  
19 retailers only at their retail premises. Any retailer receiving such a delivery or  
20 shipment is subject to the prohibition under s. 125.34 (5) against further  
21 transporting the delivery or shipment to any other retail premises.

22 **SECTION 144.** 125.295 (2) (a) 1. of the statutes is amended to read:

23 125.295 (2) (a) 1. The applicant's brewpub group manufactures a total of not  
24 more than ~~10,000~~ 20,000 barrels of fermented malt beverages in a calendar year.

25 **SECTION 145.** 125.295 (2) (a) 2. of the statutes is amended to read:

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1           125.295 (2) (a) 2. ~~The Except as provided in s. 125.21 (2) and (3), the applicant's~~  
2           entire process for manufacturing fermented malt beverages occurs on premises  
3           covered by a permit issued under this section. If the applicant holds more than one  
4           permit issued under this section, the applicant is not required to manufacture  
5           fermented malt beverages on each premises for which a permit is issued under this  
6           section.

7           **SECTION 146.** 125.295 (2) (a) 4. of the statutes is amended to read:

8           125.295 (2) (a) 4. The applicant holds a Class "B" license for the restaurant  
9           identified in subd. 3. and, on these Class "B" premises, offers for sale, in addition to  
10          fermented malt beverages manufactured by the applicant, fermented malt  
11          beverages manufactured by a brewer or brewpub other than the applicant and its  
12          brewpub group.

13          **SECTION 147.** 125.295 (2) (a) 6. (intro.) of the statutes is amended to read:

14          125.295 (2) (a) 6. (intro.) ~~Neither Subject to s. 125.20 (6), neither~~ the applicant  
15          nor the applicant's brewpub group holds, or has ~~a direct or indirect ownership~~ an  
16          interest in a ~~premises operating under~~ licensee or permittee holding, any of the  
17          following:

18          **SECTION 148.** 125.295 (2) (a) 6. a. of the statutes is amended to read:

19          125.295 (2) (a) 6. a. A Class "A" license issued under s. 125.25 or "Class A"  
20          license issued under s. 125.51 (2).

21          **SECTION 149.** 125.295 (2) (a) 6. b. of the statutes is amended to read:

22          125.295 (2) (a) 6. b. Except as provided in subd. 4. and subs. (1) (h) and (3) (b)  
23          and (c), a Class "B" license issued under s. 125.26, Class "B" permit issued under s.  
24          125.27, "Class B" license issued under s. 125.51 (3), "Class B" permit issued under  
25          s. 125.51 (5), or "Class C" license issued under s. 125.51 (3m).

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1           **SECTION 150.** 125.295 (2) (a) 6. c. of the statutes is amended to read:

2           125.295 (2) (a) 6. c. A wholesaler's permit issued under s. 125.28 or 125.54.

3           **SECTION 151.** 125.295 (2) (a) 6. g. of the statutes is created to read:

4           125.295 (2) (a) 6. g. A no-sale event venue permit issued under s. 125.24.

5           **SECTION 152.** 125.295 (2) (b) of the statutes is amended to read:

6           125.295 (2) (b) If an applicant under par. (a) has no current operations, the  
7 applicant may certify that the applicant has applied for or will apply for a Class "B"  
8 license or license under s. 97.30 for a restaurant or will comply with any other  
9 requirement under par. (a), prior to or upon commencing operations authorized  
10 under this section. If a Class "B" license or license under s. 97.30 for a restaurant  
11 is not subsequently issued to the applicant, or if the applicant otherwise fails to  
12 comply with any requirement for eligibility under par. (a), the department division  
13 may revoke under s. 125.12 (5) the permit issued under this section.

14           **SECTION 153.** 125.295 (2) (c) of the statutes is amended to read:

15           125.295 (2) (c) If an applicant under par. (a) holds any license or permit  
16 prohibited under par. (a) 6. at the time of its application, the applicant may certify  
17 that the applicant will surrender any such license or permit upon issuance of a  
18 permit under this section. If the department division issues a permit under this  
19 section and the applicant fails to surrender any license or permit prohibited under  
20 par. (a) 6., the department division may revoke under s. 125.12 (5) the permit issued  
21 under this section. An applicant is not required to surrender any Class "B" license  
22 issued under s. 125.31 (1) (a) 2., 2009 stats., or under s. 125.31 (1) (a) 3., 2005 stats.,  
23 if the applicant's continued possession of the license is consistent with subs. (1) (h),  
24 (2) (a) 4., and (3) (b) and (c).

25           **SECTION 154.** 125.295 (4) of the statutes is amended to read:

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1           125.295 (4) The fee established by the department division for a brewpub  
2 permit shall not exceed the fee established by the department division for a permit  
3 under s. 125.29.

4           **SECTION 155.** 125.295 (5) of the statutes is amended to read:

5           125.295 (5) The department division shall promulgate rules and prescribe  
6 forms to ensure strict compliance with the requirements under this section.

7           **SECTION 156.** 125.30 (1) of the statutes is amended to read:

8           125.30 (1) The department division shall issue out-of-state shippers' permits  
9 which, except as provided in sub. (4), authorize the permittee to ship fermented malt  
10 beverages only to holders of a wholesaler's permit issued under s. 125.28. Except  
11 with respect to any shipment from a warehouse in an adjoining state by a wholesaler  
12 issued a wholesale permit under s. 125.28 (1) (b), no person may receive fermented  
13 malt beverages in this state which have been directly shipped from outside this state  
14 by any person other than the holder of a permit issued under this section. Subject  
15 to s. 125.34 (2), all shipments of fermented malt beverages to a wholesaler of  
16 fermented malt beverages in this state, whether shipped to the wholesaler from  
17 inside this state or from outside this state, shall be unloaded in, physically at rest in,  
18 and only then distributed from the wholesaler's warehouse in this state.

19           **SECTION 157.** 125.30 (2) of the statutes is amended to read:

20           125.30 (2) The application for an out-of-state shipper's permit and the permit  
21 shall be on forms prescribed by the department division which shall contain  
22 provisions determined by the department division as necessary to effectuate the  
23 purposes of ss. 139.01 to 139.25 and shall include a provision that the permittee  
24 agrees to do all of the following:

**ASSEMBLY BILL 304****SECTION 157**

1           (a) ~~To comply~~ Comply with s. 139.05 relating to filing a bond, filing returns,  
2           paying taxes, and record keeping;

3           (b) ~~To permit~~ Permit inspections and examinations of the permittee's premises  
4           and records by the department division and its duly authorized employees, as  
5           authorized under s. ~~139.08 (4); and 125.025 (3)~~.

6           (c) ~~To pay~~ Pay the expenses reasonably attributable to such the inspections and  
7           examinations under par. (b) made within the United States.

8           **SECTION 158.** 125.30 (2) (d) of the statutes is created to read:

9           125.30 (2) (d) Accept service of process and consent to jurisdiction in any  
10           proceeding in this state to enforce the provisions of this chapter or ch. 139.

11           **SECTION 159.** 125.30 (3) of the statutes is renumbered 125.30 (3) (a) and  
12           amended to read:

13           125.30 (3) (a) Out-of-state shippers' permits may be issued only to a person  
14           who holds a valid certificate issued under s. 73.03 (50), who is qualified under s.  
15           125.04 (5), who does not maintain an office or street address in this state, and who  
16           is the primary source of supply for the brand of fermented malt beverages. An  
17           out-of-state shipper's permit may not be issued to a person determined by the  
18           department division to be primarily engaged in wholesale or retail sales in another  
19           state. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state  
20           shippers' permits are not required to be residents of this state. Notwithstanding s.  
21           125.04 (5) (a) 5., a person is not required to complete a responsible beverage server  
22           training course to be qualified for a permit under this section. Notwithstanding s.  
23           125.04 (6), corporations or limited liability companies obtaining out-of-state  
24           shippers' permits are not required to appoint agents vested with authority over the  
25           premises as described in s. 125.04 (6) (a).



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1           **SECTION 160.** 125.30 (3) (b) of the statutes is created to read:

2           125.30 (3) (b) 1. A permittee under this section shall appoint and continually  
3 engage the services of an agent in this state to act as agent for the service of process  
4 on whom all processes, and any action or proceeding against the permittee  
5 concerning or arising out of the enforcement of any provision of this chapter or ch.  
6 139, may be served in any manner authorized by law. That service shall constitute  
7 legal and valid service of process on the permittee. The permittee shall provide to  
8 the division, in the form and manner prescribed by the division, the name, address,  
9 phone number, and proof of the appointment and availability of the agent.

10           2. The permittee shall provide notice to the division 30 calendar days before  
11 termination of the authority of an agent under subd. 1. and shall provide proof to the  
12 satisfaction of the division of the appointment of a new agent no less than 5 calendar  
13 days before the termination of an existing agent appointment. In the event an agent  
14 terminates an agency appointment, the permittee shall notify the division of that  
15 termination within 5 calendar days and shall include proof to the satisfaction of the  
16 division of the appointment of a new agent.

17           3. If a permittee fails to maintain an agent in this state after a permit is issued  
18 under this section, the permittee is considered to have appointed the department of  
19 financial institutions as the permittee's agent, and the permittee may be proceeded  
20 against in courts of this state by service of process upon the department of financial  
21 institutions.

22           **SECTION 161.** 125.30 (3) (c) of the statutes is created to read:

23           125.30 (3) (c) Subject to s. 125.20 (6), an out-of-state shipper's permit may not  
24 be issued to any person who has an interest in a licensee or permittee holding any  
25 of the following:

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1           1. A Class “A” license issued under s. 125.25 or “Class A” license issued under  
2 s. 125.51 (2).

3           2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.  
4 125.51 (3), or “Class C” license issued under s. 125.51 (3m).

5           3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under  
6 s. 125.51 (5).

7           4. A wholesaler’s permit issued under s. 125.28 or 125.54.

8           **SECTION 162.** 125.30 (3) (c) 5. of the statutes is created to read:

9           125.30 (3) (c) 5. A no-sale event venue permit issued under s. 125.24.

10          **SECTION 163.** 125.30 (4) of the statutes is amended to read:

11          125.30 (4) An out-of-state brewer that manufactures 300,000 barrels or less  
12 of fermented malt beverages in a calendar year from all locations and that holds an  
13 out-of-state shipper’s permit may sell and ship fermented malt beverages directly  
14 to retail licensees if the out-of-state brewer registers with the department division,  
15 files whatever periodic reports with the department division as the department  
16 division may require, and complies with the requirements in ss. 125.33 and 125.34,  
17 as applicable, to the same extent as if the out-of-state brewer were a wholesaler  
18 holding a permit under s. 125.28.

19          **SECTION 164.** 125.30 (5) of the statutes is amended to read:

20          125.30 (5) The department division may revoke or suspend an out-of-state  
21 shipper’s permit for such time as the department division determines, if the  
22 permittee violates any provision of the application or ss. 139.01 to 139.25.

23          **SECTION 165.** 125.32 (2) of the statutes is amended to read:

24          125.32 (2) OPERATORS LICENSES AND PERMITS; CLASS “A,” OR CLASS “B,” AND OTHER  
25 PREMISES. Except as provided under sub. (3) (b) and ss. 125.07 (3) (a) 10. and 125.26

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1 (6), no premises operated under a Class “A” or Class “B” license or permit may be open  
2 for business, and no person who holds a brewer’s permit, manufacturer’s or rectifier’s  
3 permit, or winery permit may allow the sale or provision of taste samples of  
4 fermented malt beverages on the brewery premises, manufacturing or rectifying  
5 premises, winery premises, or any retail outlet operated by the brewer,  
6 manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless  
7 there is upon the premises the licensee or permittee, the agent named in the license  
8 or permit if the licensee or permittee is a corporation or limited liability company, or  
9 some person who has an operator’s license or operator’s permit and who is  
10 responsible for the acts of all persons serving any fermented malt beverages to  
11 customers. An operator’s license issued in respect to a vessel under s. 125.27 (2) is  
12 valid outside the municipality that issues it. For the purpose of this subsection, any  
13 person holding a manager’s license under s. 125.18 or any member of the licensee’s  
14 or permittee’s immediate family who has attained the age of 18 shall be considered  
15 the holder of an operator’s license. No person, ~~including a member of the licensee’s~~  
16 ~~or permittee’s immediate family,~~ other than the licensee, permittee, or agent may  
17 serve fermented malt beverages in any place operated under a Class “A” or Class “B”  
18 license or permit or on brewery premises, manufacturing or rectifying premises,  
19 winery premises, or any retail outlet operated by a brewer, manufacturer, rectifier,  
20 or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3) unless he or she has an  
21 operator’s license or operator’s permit, is considered to have an operator’s license  
22 under this subsection, or is at least 18 years of age and is under the immediate  
23 supervision of the licensee, permittee, agent, or a person holding an operator’s  
24 license or operator’s permit, who is on the premises at the time of the service.

25 **SECTION 166.** 125.32 (3m) (L) of the statutes is created to read:

**ASSEMBLY BILL 304****SECTION 166**

1           125.32 **(3m)** (L) An axe throwing facility.

2           **SECTION 167.** 125.32 (6) (a) of the statutes is amended to read:

3           125.32 **(6)** (a) Except as provided in s. 125.33 (2) (o) or (12), 125.69 (9), or 125.70,  
4 and subject to par. (c), no person may possess on the premises covered by a retail or  
5 wholesale fermented malt beverages license or permit any alcohol beverages not  
6 authorized by law for sale on the premises.

7           **SECTION 168.** 125.33 (2) (a) of the statutes is amended to read:

8           125.33 **(2)** (a) Give to any campus or Class “B” licensee or permittee, at any  
9 given time, for placement inside the premises, signs, clocks, or menu boards with an  
10 aggregate value of not more than \$2,500. If a gift of any item would cause the \$2,500  
11 limit to be exceeded, the recipient shall pay the brewer, brewpub, or wholesaler the  
12 amount of the item’s value in excess of \$2,500. Each recipient shall keep an invoice  
13 or credit memo containing the name of the donor and the number and value of items  
14 received under this paragraph. The value of an item is its cost to the donor. Each  
15 recipient shall make the records kept under this paragraph available to the  
16 ~~department~~ division for inspection upon request.

17           **SECTION 169.** 125.33 (2) (d) of the statutes is amended to read:

18           125.33 **(2)** (d) Sell to a campus or Class “B” licensee or permittee at fair market  
19 value equipment designed and intended to preserve and maintain the sanitary  
20 dispensing of fermented malt beverages or any services necessary to maintain this  
21 kind of equipment. A brewer, brewpub, or wholesaler shall charge the same price per  
22 unit of equipment to each campus or Class “B” licensee or permittee making the same  
23 or a similar purchase, and shall charge the same rate to each campus or Class “B”  
24 licensee or permittee purchasing maintenance services under this subdivision. Each  
25 brewer, brewpub, or wholesaler shall keep records of each transaction under this

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1 subdivision and shall make the records available to the ~~department~~ division upon  
2 request.

3 **SECTION 170.** 125.33 (2) (hr) of the statutes is created to read:

4 125.33 (2) (hr) Enter into a landlord-tenant relationship with a Class “B”  
5 licensee or permittee if all of the requirements under s. 125.20 (6) (b) are satisfied.

6 **SECTION 171.** 125.33 (9) of the statutes is renumbered 125.33 (9) (a) and  
7 amended to read:

8 125.33 (9) (a) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (g),  
9 and 125.30 (4), no campus or retail licensee or permittee may purchase or possess  
10 fermented malt beverages purchased from any person other than a wholesaler  
11 holding a permit under this chapter for the sale of fermented malt beverages.

12 (b) Any person who violates this subsection may par. (a), if the total volume of  
13 fermented malt beverages purchased or possessed by that person in one month is  
14 4,320 fluid ounces or less, may be required to forfeit not more than \$100. A person  
15 who purchases or possesses more than 4,320 fluid ounces of fermented malt  
16 beverages in one month in violation of par. (a) shall be fined not more than \$10,000  
17 or imprisoned for not more than 9 months or both.

18 **SECTION 172.** 125.33 (9) (c) of the statutes is created to read:

19 125.33 (9) (c) Notwithstanding par. (b), a Class “B” licensee or permittee who  
20 purchases fermented malt beverages from a Class “A” licensee for resale or who  
21 possesses fermented malt beverages purchased from a Class “A” licensee for resale  
22 may be fined not more than \$100.

23 **SECTION 173.** 125.33 (12) of the statutes is amended to read:

24 125.33 (12) PROVIDING TASTE SAMPLES ON ~~CLASS “A”~~ RETAIL PREMISES.  
25 Notwithstanding s. 125.34 (6), with the consent of the Class “A” or Class “B” licensee,

**ASSEMBLY BILL 304****SECTION 173**

1 a brewer may provide, free of charge, on Class “A” or Class “B” premises, taste  
2 samples of fermented malt beverages to any person who has attained the legal  
3 drinking age for consumption on the premises ~~during hours in which the Class “A”~~  
4 ~~licensee is authorized under s. 125.25 (1) to provide taste samples or, if more~~  
5 ~~restrictive, only during hours established by ordinance by a municipality under s.~~  
6 ~~125.32 (3) (d) between the hours of 11 a.m. and 7 p.m.~~ The provision of taste samples  
7 under this subsection shall be subject to the same limitations that apply to taste  
8 samples provided by a Class “A” licensee under s. 125.25 (1). ~~No brewer may provide~~  
9 ~~as taste samples under this subsection any fermented malt beverages that the~~  
10 ~~brewer did not purchase from the Class “A” licensee on whose premises the taste~~  
11 ~~samples are provided. A brewer may provide taste samples of any fermented malt~~  
12 ~~beverages that the brewer purchased from the retail licensee or that the brewer~~  
13 ~~produced on premises covered by its brewer’s permit and brings to the retail~~  
14 ~~premises, but the brewer may not leave at the retail premises any unused fermented~~  
15 ~~malt beverages not purchased from the retail licensee.~~ A brewer may provide taste  
16 samples under this subsection through an individual representing the brewer who  
17 is hired by the brewer and who is not employed by or an agent of a wholesaler. All  
18 provisions of this subsection that apply to a brewer apply equally to any individual  
19 representing a brewer.

20 **SECTION 174.** 125.34 (6) of the statutes is amended to read:

21 125.34 (6) Except as provided in ss. 125.29 (3), (3m) (b) and (c), and (7) and  
22 125.30 (4), a brewer or out-of-state shipper may sell, transport, and deliver  
23 fermented malt beverages only to a wholesaler.

24 **SECTION 175.** 125.51 (1) (a) of the statutes is amended to read:

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1           125.51 (1) (a) Subject to sub. (2) (e) 2., every municipal governing body may  
2 grant and issue “Class A” and “Class B” licenses for retail sales of intoxicating liquor,  
3 and “Class C” licenses for retail sales of wine, from premises within the municipality  
4 to persons entitled to a license under this chapter as the issuing municipal governing  
5 body deems proper and may authorize an official or body of the municipality to issue  
6 temporary “Class B” licenses under sub. (10). ~~No “Class B” license may be issued to~~  
7 ~~a winery under sub. (3) (am) unless the winery has been issued a permit under s.~~  
8 ~~125.53 and the winery is capable of producing at least 5,000 gallons of wine per year~~  
9 ~~in no more than 2 locations.~~

10           **SECTION 176.** 125.51 (2) (am) of the statutes is amended to read:

11           125.51 (2) (am) In addition to the authorization under par. (a) ~~and s. 125.06~~  
12 ~~(13)~~, a “Class A” license authorizes the licensee to provide, free of charge, to  
13 customers and visitors who have attained the legal drinking age, taste samples of  
14 intoxicating liquor ~~other than wine~~ that are not in original packages or containers  
15 ~~and that do not exceed 0.5 fluid ounces each~~, for consumption on the “Class A”  
16 premises. ~~No “Class A” licensee may provide more than one such taste sample per~~  
17 ~~day to any one person.~~ Taste samples may be provided under this paragraph only  
18 between the hours of 11 a.m. and 7 p.m. and may not exceed the quantities specified  
19 in s. 125.69 (9) (b). Any representative of a manufacturer, rectifier, winery, or  
20 out-of-state shipper issued a permit under s. 125.52, 125.53, or 125.58 may assist  
21 the “Class A” licensee in dispensing or serving the taste samples. No “Class A”  
22 licensee may provide as taste samples under this paragraph intoxicating liquor ~~other~~  
23 ~~than wine~~ that the “Class A” licensee did not purchase from a wholesaler.

24           **SECTION 177.** 125.51 (2) (e) 3. of the statutes is amended to read:

**ASSEMBLY BILL 304****SECTION 177**

1           125.51 (2) (e) 3. Notwithstanding ~~par. pars. (a) and (am)~~ and s. ~~125.06 (13)~~  
2           125.69 (9), a person issued a “Class A” license under subd. 2. may not make retail  
3           sales, or provide taste samples, of any intoxicating liquor other than cider.  
4           ~~Paragraph (am) does not apply to a person issued a “Class A” license under subd. 2,~~  
5           ~~and may not allow a winery, manufacturer, or rectifier to provide taste samples of any~~  
6           ~~intoxicating liquor other than cider, on the “Class A” premises.~~

7           **SECTION 178.** 125.51 (3) (a) of the statutes is amended to read:

8           125.51 (3) (a) A “Class B” license authorizes the retail sale of intoxicating liquor  
9           by the glass and not in the original package or container for consumption on the  
10          premises where sold or for consumption off the premises if the licensee seals the  
11          container of intoxicating liquor with a tamper-evident seal before the intoxicating  
12          liquor is removed from the premises. In addition, wine may be sold in the original  
13          package or container in any quantity to be consumed off the premises where sold.  
14          This paragraph does not apply in municipalities in which the governing body elects  
15          to come under par. (b) ~~or to a winery that has been issued a “Class B” license.~~  
16          ~~Paragraph (am) applies to all wineries that have been issued a “Class B” license.~~

17          **SECTION 179.** 125.51 (3) (am) of the statutes is repealed.

18          **SECTION 180.** 125.51 (3) (b) of the statutes is amended to read:

19          125.51 (3) (b) In all municipalities electing by ordinance to come under this  
20          paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be  
21          consumed by the glass on the premises where sold or off the premises if the licensee  
22          seals the container of intoxicating liquor with a tamper-evident seal before the  
23          intoxicating liquor is removed from the premises. The “Class B” license also  
24          authorizes the sale of intoxicating liquor in the original package or container, in any  
25          quantity, to be consumed off the premises where sold. ~~This paragraph does not apply~~



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1 ~~to a winery that has been issued a “Class B” license. Paragraph (am) applies to all~~  
2 ~~wineries that have been issued a “Class B” license.~~

3 **SECTION 181.** 125.51 (3) (bg) of the statutes is created to read:

4 125.51 **(3)** (bg) 1. In this paragraph, “bulk container” means a container  
5 exceeding 1.75 liters in volume.

6 2. This paragraph applies only with respect to a “Class B” licensee exercising  
7 its authority under par. (a) or (b) to make retail sales of intoxicating liquor for  
8 consumption on the premises where sold or for consumption off the premises if the  
9 licensee seals the container of intoxicating liquor with a tamper-evident seal before  
10 the intoxicating liquor is removed from the premises.

11 3. Notwithstanding s. 125.03 (2) and any rule promulgated thereunder, a  
12 “Class B” licensee may, on the licensed premises, prepare, store, and dispense mixed  
13 drinks containing intoxicating liquor, in advance of sale as described in subd. 2., if  
14 all of the following apply:

15 a. The mixed drink is provided to the consumer in a glass or other container  
16 not exceeding 72 ounces in volume.

17 b. The mixed drink has not been stored in a container for more than 48 hours  
18 prior to its sale to a customer.

19 c. If the mixed drink is stored in or dispensed from a bulk container, the bulk  
20 container does not exceed 5 gallons in volume and is labeled in compliance with the  
21 requirements established under subd. 4.

22 d. The licensee has not stored the mixed drink in or dispensed the mixed drink  
23 from a wine bottle and has ensured compliance with ss. 125.68 (8) (a) 2. and 3. and  
24 125.69 (6), as well as compliance with any other applicable state or federal food safety  
25 regulation and any federal alcohol regulation.

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1           4. The division shall prescribe the form of the label to be used by “Class B”  
2 licensees under subd. 3. c., but the form shall require the licensee to disclose on the  
3 label all of the following information:

4           a. That the container holds a batch of premixed drinks and the date and time  
5 the batch was prepared.

6           b. Following the words “expiration date,” the date and time that is 48 hours  
7 after the date and time the batch was prepared.

8           c. The words “contains alcohol.”

9           d. The name of the person who prepared the batch of premixed drinks in the  
10 container.

11           e. The ingredients of the batch of premixed drinks, unless the label contains  
12 a recipe title for the batch and the recipe, with a complete ingredient list, is  
13 maintained on the “Class B” premises and is available for inspection.

14           5. Section 125.68 (9) (b) does not apply with respect to a container used by a  
15 “Class B” licensee solely to prepare, store, or dispense mixed drinks in compliance  
16 with this paragraph.

17           **SECTION 182.** 125.51 (3) (bm) of the statutes is amended to read:

18           125.51 (3) (bm) Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and  
19 (9), a “Class B” license authorizes a person operating a hotel to furnish a registered  
20 guest who has attained the legal drinking age with a selection of intoxicating liquor  
21 in the guest’s room which is not part of the “Class B” premises. Intoxicating liquor  
22 furnished under this paragraph shall be furnished in original packages or containers  
23 and stored in a cabinet, refrigerator or other secure storage place. The cabinet,  
24 refrigerator or other secure storage place must be capable of being locked. The  
25 cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating

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1 liquor shall be removed from the room, when the room is not occupied and when  
2 intoxicating liquor is not being furnished under this paragraph. A key for the lock  
3 shall be supplied to a guest who has attained the legal drinking age upon request at  
4 registration. The hotel shall prominently display a price list of the intoxicating  
5 liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest  
6 occupies the room, but for purposes of this chapter, the sale of intoxicating liquor  
7 furnished under this paragraph is considered to occur at the time and place that the  
8 guest pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the guest  
9 may pay for the intoxicating liquor at any time if he or she pays in conjunction with  
10 checking out of the hotel. An individual who stocks or accepts payment for alcohol  
11 beverages under this paragraph shall be the licensee, the agent named in the license  
12 if the licensee is a corporation or limited liability company, or the holder of a  
13 manager's or operator's license or operator's permit, or be supervised by one of those  
14 individuals.

15 **SECTION 183.** 125.51 (3) (bs) 2. of the statutes is amended to read:

16 125.51 (3) (bs) 2. Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and  
17 (9), a "Class B" license authorizes a person operating a coliseum to furnish the holder  
18 of a coliseum suite who has attained the legal drinking age with a selection of  
19 intoxicating liquor in the coliseum suite that is not part of the "Class B" premises.  
20 Intoxicating liquor furnished under this subdivision shall be furnished in original  
21 packages or containers and stored in a cabinet, refrigerator or other secure storage  
22 place. The cabinet, refrigerator or other secure storage place or the coliseum suite  
23 must be capable of being locked. The cabinet, refrigerator or other secure storage  
24 place or the coliseum suite shall be locked, or the intoxicating liquor shall be removed  
25 from the coliseum suite, when the coliseum suite is not occupied and when

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1 intoxicating liquor is not being furnished under this subdivision. Intoxicating liquor  
2 may be furnished at the time the holder of the coliseum suite occupies the coliseum  
3 suite, but for purposes of this chapter, the sale of intoxicating liquor furnished under  
4 this subdivision is considered to occur at the time and place that the holder pays for  
5 the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the holder of a coliseum  
6 suite may pay for the intoxicating liquor at any time if he or she pays in accordance  
7 with an agreement with the person operating the coliseum or with the  
8 concessionaire. An individual who stocks or accepts payment for alcohol beverages  
9 under this subdivision shall be the licensee, the agent named in the license if the  
10 licensee is a corporation or limited liability company, or the holder of a manager's or  
11 operator's license or operator's permit, or be supervised by one of those individuals.

12 **SECTION 184.** 125.51 (3) (f) of the statutes is amended to read:

13 125.51 (3) (f) A "Class B" license may be issued only to a holder of a retail Class  
14 "B" license to sell fermented malt beverages unless the "Class B" license is the kind  
15 of "Class B" license specified under par. (am) or is a temporary "Class B" license under  
16 sub. (10).

17 **SECTION 185.** 125.51 (3m) (a) of the statutes is repealed.

18 **SECTION 186.** 125.51 (3m) (c) of the statutes is amended to read:

19 125.51 (3m) (c) ~~A Except as provided under s. 125.69, a "Class C" license may~~  
20 ~~be issued to a person qualified under s. 125.04 (5) for a restaurant in which the sale~~  
21 ~~of alcohol beverages accounts for less than 50 percent of gross receipts and which~~  
22 ~~does not have a barroom or for a restaurant in which the sale of alcohol beverages~~  
23 ~~accounts for less than 50 percent of gross receipts and which has a barroom in which~~  
24 ~~wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a~~

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1 ~~foreign corporation, a foreign limited liability company or, except~~ a person acting as  
2 an agent for or in the employ of another.

3 **SECTION 187.** 125.51 (3r) (a) 3. of the statutes is amended to read:

4 125.51 **(3r)** (a) 3. Prior to the opened, partially consumed bottle of wine being  
5 taken off the licensed premises, the licensee securely reinserts the cork into the  
6 bottle to the point where the top of the cork is even with the top of the bottle, or  
7 securely reattaches the original cap to the bottle, and the cork is reinserted or the cap  
8 is reattached at a time other than during the time period specified in s. 125.68 (4) (c)  
9 3.

10 **SECTION 188.** 125.51 (3r) (b) of the statutes is amended to read:

11 125.51 **(3r)** (b) ~~This subsection does not apply to a “Class B” license issued to~~  
12 ~~a winery under sub. (3) (am).~~ Nothing in this subsection restricts a licensee’s  
13 authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

14 **SECTION 189.** 125.51 (4) (a) 1. of the statutes is amended to read:

15 125.51 **(4)** (a) 1. “License” means a retail “Class B” license issued under sub.  
16 (3) ~~but does not include a “Class B” license issued to wineries under sub. (3) (am).~~

17 **SECTION 190.** 125.51 (4) (e) 1. of the statutes is amended to read:

18 125.51 **(4)** (e) 1. A municipality may make a request to another municipality  
19 ~~that is contiguous with, or within 2 miles of,~~ located in whole or in part in the same  
20 county as the requesting municipality that the other municipality transfer a reserve  
21 “Class B” license to the requesting municipality. If the request is granted, the reserve  
22 “Class B” license shall be transferred.

23 **SECTION 191.** 125.51 (4) (v) 5. of the statutes is created to read:

24 125.51 **(4)** (v) 5. An event venue certified by the division under s. 125.24 (5) (b).  
25 Except as provided in this subdivision, a license may not be issued under this

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1 subdivision unless the license application is received by the municipality no later  
2 than the first day of the 7th month beginning after the effective date of this  
3 subdivision ... [LRB inserts date]. Except as provided in this subdivision, if a “Class  
4 B” license issued under this subdivision is surrendered to the issuing municipality,  
5 not renewed, or revoked, the municipality may not reissue the license. The  
6 municipality may reissue the license if the licensee sells or transfers ownership of  
7 the licensed premises or a business operated on the licensed premises and the license  
8 is surrendered or not renewed in connection with the sale or transfer of the property  
9 or business, the licensee continued to operate the licensed premises as a qualifying  
10 event venue, as defined in s. 125.24 (5) (a), from the time of license issuance until the  
11 time the license is surrendered or not renewed, the license is reissued for the same  
12 location, and the applicant for reissuance of the license satisfies the requirements  
13 under this chapter to hold the license and certifies to the municipality that the  
14 applicant will continue to operate the licensed premises as a qualifying event venue,  
15 as defined in s. 125.24 (5) (a).

16 **SECTION 192.** 125.51 (5) (a) 1. of the statutes is amended to read:

17 125.51 (5) (a) 1. The ~~department~~ division shall issue “Class B” permits to clubs  
18 that are operated solely for the playing of golf or tennis and are commonly known as  
19 country clubs and to clubs which are operated solely for curling, ski jumping, or  
20 yachting. A “Class B” permit may be issued only to a club that holds a valid certificate  
21 issued under s. 73.03 (50), that is not open to the general public, and that is located  
22 in a municipality that does not issue “Class B” licenses or to a club located in a  
23 municipality that issues “Class B” licenses, if the club holds a valid certificate issued  
24 under s. 73.03 (50), is not open to the general public, was not issued a license under  
25 s. 176.05 (4a), 1979 stats., and does not currently hold a “Class B” license. The

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1 permits may be issued by the ~~department~~ division without regard to any quota under  
2 sub. (4). The holder of a “Class B” permit may sell intoxicating liquor for consumption  
3 by the glass and not in the original package or container on the premises covered by  
4 the permit.

5 **SECTION 193.** 125.51 (5) (a) 4. of the statutes is amended to read:

6 125.51 (5) (a) 4. The ~~department~~ division may annually issue a “Class B” permit  
7 to any club that holds a valid certificate issued under s. 73.03 (50), is organized to  
8 engage in sports similar to curling, golf, tennis or yachting and that held a license  
9 from July 1, 1950, to June 30, 1951, as long as it is continuously operated under  
10 substantially the same circumstances under which it operated during the year  
11 beginning July 1, 1950, if the club is located in a municipality that does not issue  
12 “Class B” licenses.

13 **SECTION 194.** 125.51 (5) (b) 2. of the statutes is amended to read:

14 125.51 (5) (b) 2. The ~~department~~ division shall issue a “Class B” permit to a  
15 concessionaire that holds a valid certificate issued under s. 73.03 (50) and that  
16 conducts business in an operating airport or public facility, if the county or  
17 municipality which owns the airport or public facility has, by resolution of its  
18 governing body, annually applied to the ~~department~~ division for the permit. The  
19 permit authorizes the sale of intoxicating liquor for consumption by the glass and not  
20 in the original package or container on the premises.

21 **SECTION 195.** 125.51 (5) (b) 4. of the statutes is amended to read:

22 125.51 (5) (b) 4. The ~~department~~ division may not issue a permit under this  
23 paragraph to any county or municipality or officer or employee thereof.

24 **SECTION 196.** 125.51 (5) (c) 1. of the statutes is amended to read:

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1           125.51 (5) (c) 1. The department division may issue a “Class B” permit to any  
2 person who holds a valid certificate issued under s. 73.03 (50) and who is qualified  
3 under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any  
4 vessel having a regular place of mooring located in any waters of this state as defined  
5 under s. 29.001 (45) and (63) if the vessel either serves food and has an approved  
6 passenger capacity of not less than 40 individuals and the sale of intoxicating liquor  
7 and fermented malt beverages on the vessel accounts for less than 50 percent of the  
8 gross receipts of all of the food and beverages served on the vessel or if the vessel has  
9 an approved passenger capacity of at least 100 individuals and the sale of  
10 intoxicating liquor and fermented malt beverages on the vessel accounts for less than  
11 50 percent of the gross receipts of the vessel. The department division may issue the  
12 permit only if the vessel leaves its place of mooring while the sale of intoxicating  
13 liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A  
14 permit issued under this subdivision also authorizes the permittee to store  
15 intoxicating liquor purchased for sale on the vessel on premises owned or leased by  
16 the permittee and located near the vessel’s regular place of mooring. The permittee  
17 shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where  
18 the intoxicating liquor will be stored. The premises shall be open to inspection by the  
19 department division upon request.

20           **SECTION 197.** 125.51 (5) (d) 2. of the statutes is amended to read:

21           125.51 (5) (d) 2. Upon application, the department division shall issue a  
22 “Class B” permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and  
23 that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of  
24 intoxicating liquor for consumption on the premises where sold by the glass and not  
25 in the original package or container. The permit also authorizes the sale of



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1 intoxicating liquor in the original package or container, in multiples not to exceed 4  
2 liters at any one time, to be consumed off the premises where sold, except that wine  
3 is not subject to the 4-liter limitation.

4 **SECTION 198.** 125.51 (5) (f) 2. and 5. of the statutes are amended to read:

5 125.51 (5) (f) 2. The ~~department~~ division may issue “Class B” permits for  
6 locations within racetrack grounds to any person that holds a valid certificate issued  
7 under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner  
8 or operator of the racetrack grounds or is designated by the owner or operator of the  
9 racetrack grounds to operate premises located within the racetrack grounds. Subject  
10 to subd. 4., the permit authorizes the retail sale of intoxicating liquor, by the glass  
11 and not in the original package or container, on the premises covered by the permit,  
12 for consumption anywhere within the racetrack grounds. If the ~~department~~ division  
13 issues more than one permit under this paragraph for the same racetrack grounds,  
14 no part of the premises covered by a permit under this paragraph may overlap with  
15 premises covered by any other permit issued under this paragraph.

16 5. The ~~department~~ division shall establish a fee for a permit issued under this  
17 paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

18 **SECTION 199.** 125.52 (1) (a) of the statutes is amended to read:

19 125.52 (1) (a) The ~~department~~ division shall issue manufacturers’ and  
20 rectifiers’ permits which authorize the manufacture or rectification, respectively, of  
21 intoxicating liquor on the premises covered by the permit. A person holding a  
22 manufacturer’s or rectifier’s permit may manufacture and bottle wine, pursuant to  
23 the terms of the permit, without procuring a winery permit.

24 **SECTION 200.** 125.52 (1) (b) 1. of the statutes is renumbered 125.52 (1) (b)  
25 (intro.) and amended to read:

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1           125.52 (1) (b) (intro.) A manufacturer's or rectifier's permit entitles authorizes  
2 the permittee to engage in any of the following activities:

3           1. To sell intoxicating liquor in original unopened packages or containers to  
4 wholesalers holding a permit under s. 125.54,

5           2. To sell or transfer, in bulk or in any state of packaging, intoxicating liquor  
6 to wineries holding a permit under s. 125.53, and to other manufacturers and  
7 rectifiers holding a permit under this section, from the premises described in the  
8 permit. ~~Except as provided in subd. 2., no sales may be made for consumption on the~~  
9 ~~premises of the permittee.~~

10           **SECTION 201.** 125.52 (1) (b) 2. of the statutes is renumbered 125.52 (1) (b) 6. and  
11 amended to read:

12           125.52 (1) (b) 6. ~~Notwithstanding s. 125.09 (1), a manufacturer's or rectifier's~~  
13 ~~permit authorizes the retail sale of intoxicating liquor that is manufactured or~~  
14 ~~rectified on the premises, for consumption on or off the premises. A manufacturer's~~  
15 ~~or rectifier's permit also authorizes the provision of~~ To provide taste samples, free of  
16 charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person,  
17 of intoxicating liquor that is manufactured or rectified on the premises, for  
18 consumption on the premises. The department may prescribe additional regulations  
19 for the sale of intoxicating liquor under this subdivision, if the additional regulations  
20 do not conflict with the requirements applicable to holders of "Class B" licenses.  
21 Notwithstanding any other provision of this chapter, the authorization under this  
22 subdivision applies with respect to a person who holds any permit under this section,  
23 a winery permit under s. 125.53, and either a "Class A" license or a "Class B" license  
24 issued under s. 125.51 (3) (am), all issued for the same premises or portions of the  
25 same premises, on the manufacturer's or rectifier's premises or at the

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1 manufacturer's or rectifier's full-service retail outlet if the taste samples are of  
2 alcohol beverages the manufacturer or rectifier is authorized to sell under sub. (4)  
3 (c), or as authorized under s. 125.69 (9).

4 **SECTION 202.** 125.52 (1) (b) 3., 4. and 5. of the statutes are created to read:

5 125.52 (1) (b) 3. To transfer intoxicating liquor to, or receive intoxicating liquor  
6 from, another manufacturer or rectifier holding a permit under this section or a  
7 winery holding a permit under s. 125.53, in bulk or in any state of packaging, for  
8 purposes of further manufacturing, bottling, or storage.

9 4. To sell, ship, transport, and deliver intoxicating liquor, in bulk or in any state  
10 of packaging, that has been manufactured by the manufacturer or rectifier to  
11 another manufacture or rectifier holding a permit under this section.

12 5. To transport intoxicating liquor between the production premises and any  
13 depot, warehouse, or full-service retail outlet maintained by the manufacturer or  
14 rectifier or other premises for which the manufacturer or rectifier holds a permit  
15 under this chapter.

16 **SECTION 203.** 125.52 (2) of the statutes is amended to read:

17 125.52 (2) LIMITED MANUFACTURER'S PERMIT. The ~~department~~ division shall issue  
18 a limited manufacturer's permit which authorizes the use or sale of the intoxicating  
19 liquor produced only if it is rendered unfit for use as a beverage and is used or sold  
20 for use as fuel. The ~~department~~ division shall notify the department of natural  
21 resources of the name and address of any person to whom a limited manufacturer's  
22 permit is issued.

23 **SECTION 204.** 125.52 (4) and (5) of the statutes are created to read:

24 125.52 (4) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding  
25 ss. 125.04 (9) and 125.09 (1), a manufacturer or rectifier may make retail sales, on

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1 the manufacturing or rectifying premises, of intoxicating liquor that has been  
2 manufactured or rectified by the manufacturer or rectifier on the manufacturing or  
3 rectifying premises or on other premises of the manufacturer or rectifier, for  
4 on-premises or off-premises consumption.

5 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a manufacturer or rectifier  
6 produced, on all manufacturing or rectifying premises operated by the manufacturer  
7 or rectifier in this state, a cumulative total of at least 1,500 liters of intoxicating  
8 liquor in any one of the 3 preceding calendar years, the manufacturer or rectifier may  
9 engage in full-service retail sales on the manufacturing or rectifying premises.

10 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and  
11 (g), if a manufacturer or rectifier produced, on all manufacturing or rectifying  
12 premises operated by the manufacturer or rectifier in this state, a cumulative total  
13 of at least 1,500 liters of intoxicating liquor in any one of the 3 preceding calendar  
14 years, the manufacturer or rectifier may engage in full-service retail sales at off-site  
15 locations identified in the manufacturer's or rectifier's permit. Subject to pars. (f)  
16 and (g), the number of retail sales locations a manufacturer or rectifier is allowed in  
17 addition to the manufacturing or rectifying premises is determined by the  
18 cumulative volume of intoxicating liquor the manufacturer or rectifier produced on  
19 all manufacturing or rectifying premises operated by the manufacturer or rectifier  
20 in this state in any one of the 3 preceding calendar years, as follows:

21 1. If the manufacturer's or rectifier's cumulative volume in a year was at least  
22 1,500 liters of intoxicating liquor but less than 5,000 liters of intoxicating liquor, the  
23 manufacturer or rectifier may establish one full-service retail outlet.

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1           2. If the manufacturer's or rectifier's cumulative volume in a year was at least  
2           5,000 liters of intoxicating liquor but less than 35,000 liters of intoxicating liquor, the  
3           manufacturer or rectifier may establish not more than 2 full-service retail outlets.

4           3. If the manufacturer's or rectifier's cumulative volume in a year was at least  
5           35,000 liters of intoxicating liquor, the manufacturer or rectifier may establish not  
6           more than 3 full-service retail outlets.

7           (c) 1. Except as provided in subd. 2. and par. (f), a manufacturer or rectifier may  
8           make full-service retail sales of alcohol beverages on the manufacturing or rectifying  
9           premises and at any of its full-service retail outlets only if the alcohol beverages were  
10          purchased by the manufacturer or rectifier from a wholesaler holding a permit under  
11          s. 125.28 or 125.54, from a brewer authorized to make sales to retailers under s.  
12          125.29 (3m), from a brewpub authorized to make sales to retailers under s. 125.295  
13          (1) (g), or from a permittee under s. 125.30 authorized to make sales to retailers under  
14          s. 125.30 (4).

15          2. A manufacturer or rectifier is not required to purchase from another  
16          permittee intoxicating liquor produced by the manufacturer or rectifier that the  
17          manufacturer or rectifier sells at retail on the manufacturing or rectifying premises  
18          or at a full-service retail outlet of the manufacturer or rectifier.

19          3. Subject to subd. 2. and par. (f), a manufacturer or rectifier engaged in  
20          full-service retail sales on manufacturing or rectifying premises or at a full-service  
21          retail outlet of the manufacturer or rectifier is subject to ss. 125.33 (9) and 125.69 (6)  
22          to the same extent as if the manufacturer or rectifier were a retail licensee.

23          (d) 1. A manufacturer or rectifier may not commence sales of alcohol beverages  
24          at a full-service retail outlet unless, prior to commencing such sales, the

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1 manufacturer or rectifier receives approval from the municipality in which the  
2 full-service retail outlet is located and from the division as provided in par. (g).

3 2. Subject to par. (f), a municipality may limit the scope of alcohol beverages  
4 offered for sale at a full-service retail outlet only with respect to alcohol beverages  
5 that are not of the same type as those produced by the person holding the  
6 manufacturer's or rectifier's permit. A municipality may not limit the sale, at a  
7 full-service retail outlet, of alcohol beverages produced by the person holding the  
8 manufacturer's or rectifier's permit. If a municipality limits the scope of alcohol  
9 beverages offered for sale, the provision of taste samples is limited to those alcohol  
10 beverages authorized to be sold.

11 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall  
12 be based on the same standards and criteria that the municipality has established  
13 by ordinance for the evaluation and approval of retail license applications. A  
14 municipality may not impose any requirement or restriction in connection with the  
15 approval under subd. 1. that the municipality does not impose on retail licensees.

16 (e) 1. A manufacturer or rectifier may operate a restaurant at any full-service  
17 retail outlet under this subsection and on the manufacturing or rectifying premises.

18 2. If the manufacturer or rectifier operates a restaurant as provided in subd.  
19 1. and is authorized under this subsection to make retail sales of wine at the  
20 restaurant, the manufacturer or rectifier may make retail sales of wine in an opened  
21 original bottle, in a quantity not to exceed one bottle, for consumption both at the  
22 restaurant and away from the restaurant if all of the following apply:

23 a. The purchaser of the wine orders food to be consumed at the restaurant.

24 b. The manufacturer or rectifier provides a dated receipt that identifies the  
25 purchase of the food and the bottle of wine.

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1           c. Prior to the opened, partially consumed bottle of wine being taken away from  
2           the restaurant, the manufacturer or rectifier securely reinserts the cork into the  
3           bottle to the point where the top of the cork is even with the top of the bottle, or  
4           securely reattaches the original cap to the bottle, and the cork is reinserted or the cap  
5           is reattached at a time other than during the hours in which the manufacturer or  
6           rectifier is prohibited under sub. (5) (b) from making retail sales for off-premises  
7           consumption.

8           (f) 1. If a manufacturer or rectifier may establish one or more full-service retail  
9           outlets under pars. (b) and (g) and the manufacturer or rectifier also holds a brewer's  
10          permit or winery permit or both and, as such, may establish full-service retail outlets  
11          under s. 125.29 (7) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of  
12          full-service retail outlets that may be established is the maximum number  
13          authorized under par. (b), under s. 125.29 (7) (b), or under s. 125.53 (3) (b), whichever  
14          is greatest, but not exceeding 3 full-service retail outlets. Under these  
15          circumstances, each authorized full-service retail outlet shall serve as the  
16          full-service retail outlet associated with each applicable permit, regardless of  
17          whether the permittee would otherwise be entitled to fewer full-service retail outlets  
18          when calculated under par. (b) or s. 125.29 (7) (b) or 125.53 (3) (b).

19          2. If a manufacturer or rectifier may engage in full-service retail sales on the  
20          manufacturing or rectifying premises as provided in par. (a) 2. and the manufacturer  
21          or rectifier also holds a brewer's permit or winery permit or both, the manufacturer  
22          or rectifier may make retail sales on the manufacturing or rectifying premises of  
23          fermented malt beverages produced under its brewer's permit or wine produced  
24          under its winery permit without first purchasing the fermented malt beverages or  
25          wine from a wholesaler holding a permit under s. 125.28 or 125.54 or receiving the

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1 fermented malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g),  
2 or 125.30 (4).

3 3. If a person holds more than one manufacturer's permit or rectifier's permit  
4 under this section, or more than one combination permit authorized under s. 125.55  
5 (1), the retail sales authority under this subsection for manufacturing or rectifying  
6 premises applies with respect to each permit, but the limit on full-service retail  
7 outlets is an aggregate maximum, regardless of the number of permits held.

8 (g) 1. An application for a manufacturer's or rectifier's permit, including an  
9 application for an amendment to the manufacturer's or rectifier's permit, shall  
10 specify each full-service retail outlet of the manufacturer or rectifier and  
11 particularly describe the premises of the full-service retail outlet.

12 2. The division shall establish a process for approval of a manufacturer's or  
13 rectifier's full-service retail outlet and for revocation of this approval. The division  
14 shall approve a manufacturer's or rectifier's full-service retail outlet, and may not  
15 revoke this approval, unless the manufacturer or rectifier has violated a provision  
16 of this chapter related to full-service retail outlets. The division's failure to approve,  
17 or revocation of approval of, a full-service retail outlet described in a manufacturer's  
18 or rectifier's application or permit does not affect any other full-service retail outlet  
19 or the manufacturing or rectifying premises as described in the application or  
20 permit.

21 3. If the division approves a full-service retail outlet, the manufacturer's or  
22 rectifier's permit, as initially issued or as amended, shall particularly describe the  
23 premises constituting the full-service retail outlet, which shall be considered part  
24 of the premises under the manufacturer's or rectifier's permit.



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1           4. If the division approves a full-service retail outlet, the agent appointed  
2           under s. 125.04 (6) for the manufacturer's or rectifier's permit shall also serve as the  
3           agent for the full-service retail outlet.

4           5. Section 125.04 (12) (a) does not apply to a manufacturer's or rectifier's  
5           full-service retail outlet. Upon notice to the division, a manufacturer or rectifier may  
6           relocate any full-service retail outlet to a new location within this state once per  
7           calendar year, except that one full-service retail outlet of a manufacturer or rectifier  
8           may be relocated without limitation on frequency in each calendar year.

9           **(5) CLOSING HOURS.** (a) On a manufacturer's or rectifier's premises, no person  
10          may sell alcohol beverages at retail for on-premises consumption, provide taste  
11          samples of alcohol beverages, or consume alcohol beverages during the closing hours  
12          applicable to a Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet  
13          under sub. (4) shall be subject to the same closing hours applicable to a Class "B"  
14          licensee under s. 125.32 (3) (a).

15          (b) On a manufacturer's or rectifier's premises and at a full-service retail  
16          outlet, no person may sell alcohol beverages at retail for off-premises consumption  
17          during the hours in which a Class "B" licensee in the municipality where the  
18          manufacturing or rectifying premises or retail outlet is located may not make retail  
19          sales under s. 125.32 (3) (am) and (d).

20          (c) No member of the public or invited guests may be present on a  
21          manufacturer's or rectifier's premises during the closing hours applicable to a Class  
22          "B" licensee under s. 125.32 (3) (a).

23          (d) Activities authorized under a manufacturer's or rectifier's permit related  
24          to the production, shipment, transportation, or delivery of alcohol beverages may  
25          occur at any time.

**ASSEMBLY BILL 304****SECTION 205**

1           **SECTION 205.** 125.52 (7) of the statutes is repealed.

2           **SECTION 206.** 125.53 (1) of the statutes is renumbered 125.53 (1) (a) (intro.) and  
3 amended to read:

4           125.53 (1) (a) (intro.) The department division shall issue only to a  
5 manufacturing winery in this state that holds a valid certificate issued under s. 73.03  
6 (50) a winery permit authorizing the permittee to engage in the following activities:

7           1. The manufacture and bottling of wine on the premises covered by the permit  
8 for sale, in original unopened packages or containers, to wholesalers holding a  
9 permit under s. 125.54. ~~A winery permit also authorizes the permittee to, on~~

10           2. On the winery premises and without obtaining a rectifier's permit, possess  
11 possessing intoxicating liquor and mix or blend mixing or blending intoxicating  
12 liquor to produce wine sold to wholesalers holding a permit under s. 125.54. ~~A winery~~  
13 ~~holding a permit under this section may offer on the premises, manufacturers or~~  
14 ~~rectifiers holding a permit under s. 125.52, and wineries holding a permit under this~~  
15 ~~section.~~

16           7. The provision of free taste samples of wine manufactured on the premises  
17 to persons who have attained the legal drinking age. ~~A permittee under this section~~  
18 ~~may also have either one "Class A" license or one "Class B" license, but not both. The~~  
19 ~~"Class A" license or "Class B" license may either be issued for the winery premises~~  
20 ~~or for real estate owned or leased by the winery. If a "Class A" or "Class B" liquor~~  
21 ~~license has also been issued to the winery, the winery may provide wine~~  
22 ~~manufactured, mixed, or blended on the winery premises directly to the "Class A" or~~  
23 ~~"Class B" premises and may offer the taste samples on the "Class A" or "Class B"~~  
24 ~~premises on the winery premises or at the winery's full-service retail outlet if the~~

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1 taste samples are of alcohol beverages the winery is authorized to sell under sub. (3)  
2 (c), or as authorized under s. 125.69 (9).

3 (b) A winery holding a permit under this section may also make retail sales of  
4 wine, and provide taste samples of wine, on county or district fair fairgrounds as  
5 provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples  
6 shall be purchased from a wholesaler holding a permit under s. 125.54.

7 **SECTION 207.** 125.53 (1) (a) 3., 4., 5. and 6. of the statutes are created to read:

8 125.53 (1) (a) 3. The sale or transfer, in bulk or in any state of packaging, of wine  
9 to wineries holding a permit under this section and to manufacturers and rectifiers  
10 holding a permit under s. 125.52, from the winery premises.

11 4. The sale, shipment, transportation, and delivery of wine, in bulk or in any  
12 state of packaging, that has been manufactured by the winery to another winery  
13 holding a permit under this section or a manufacturer or rectifier holding a permit  
14 under s. 125.52.

15 5. The receipt of intoxicating liquor from another winery holding a permit  
16 under this section or a manufacturer or rectifier holding a permit under s. 125.52,  
17 in bulk or in any state of packaging, for purposes of further manufacturing, bottling,  
18 or storage.

19 6. The transportation of wine between the winery premises and any depot,  
20 warehouse, or full-service retail outlet maintained by the winery or other premises  
21 for which the winery holds a permit under this chapter.

22 **SECTION 208.** 125.53 (3) and (4) of the statutes are created to read:

23 125.53 (3) (a) 1. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to  
24 subd. 3., a winery may make retail sales, on the winery premises, of wine that has

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1 been manufactured or bottled by the winery on the winery premises or on other  
2 premises of the winery, for on-premises or off-premises consumption.

3 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to subd. 3., if a  
4 winery manufactured or bottled, on all winery premises operated by the winery in  
5 this state, a cumulative total of at least 1,000 gallons of wine in any one of the 3  
6 preceding calendar years, the winery may engage in full-service retail sales on the  
7 winery premises.

8 3. If a winery held a "Class B" license immediately preceding the effective date  
9 of this subdivision .... [LRB inserts date], for a location other than the winery  
10 premises, that location shall be considered the winery premises for purposes of the  
11 retail sales authorization under subds. 1. and 2. and that location shall be in addition  
12 to any retail sales locations authorized under par. (b).

13 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and  
14 (g), if a winery manufactured or bottled, on all winery premises operated by the  
15 winery in this state, a cumulative total of at least 1,000 gallons of wine in any one  
16 of the 3 preceding calendar years, the winery may engage in full-service retail sales  
17 at off-site locations identified in the winery permit. Subject to pars. (f) and (g), the  
18 number of retail sales locations a winery is allowed in addition to the winery  
19 premises is determined by the cumulative volume of wine the winery manufactured  
20 or bottled on all winery premises operated by the winery in this state in any one of  
21 the 3 preceding calendar years, as follows:

22 1. If the winery's cumulative volume in a year was at least 1,000 gallons of wine  
23 but less than 5,000 gallons of wine, the winery may establish one full-service retail  
24 outlet.

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1           2. If the winery's cumulative volume in a year was at least 5,000 gallons of wine  
2 but less than 25,000 gallons of wine, the winery may establish not more than 2  
3 full-service retail outlets.

4           3. If the winery's cumulative volume in a year was at least 25,000 gallons of  
5 wine, the winery may establish not more than 3 full-service retail outlets.

6           (c) 1. Except as provided in subd. 2. and par. (f), a winery may make full-service  
7 retail sales of alcohol beverages on the winery premises and at any of its full-service  
8 retail outlets only if the alcohol beverages were purchased by the winery from a  
9 wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to  
10 make sales to retailers under s. 125.29 (3m), from a brewpub authorized to make  
11 sales to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30  
12 authorized to make sales to retailers under s. 125.30 (4).

13           2. A winery is not required to purchase from another permittee wine  
14 manufactured or bottled by the winery that the winery sells at retail on the winery  
15 premises or at a full-service retail outlet of the winery.

16           3. Subject to subd. 2. and par. (f), a winery engaged in full-service retail sales  
17 on winery premises or at a full-service retail outlet of the winery is subject to ss.  
18 125.33 (9) and 125.69 (6) to the same extent as if the winery were a retail licensee.

19           (d) 1. A winery may not commence sales of alcohol beverages at a full-service  
20 retail outlet unless, prior to commencing such sales, the winery receives approval  
21 from the municipality in which the full-service retail outlet is located and from the  
22 division as provided in par. (g).

23           2. Subject to par. (f), a municipality may limit the scope of alcohol beverages  
24 offered for sale at a full-service retail outlet only with respect to alcohol beverages  
25 that are not of the same type as those produced by the person holding the winery

**ASSEMBLY BILL 304****SECTION 208**

1 permit. A municipality may not limit the sale, at a full-service retail outlet, of  
2 alcohol beverages produced by the person holding the winery permit. If a  
3 municipality limits the scope of alcohol beverages offered for sale, the provision of  
4 taste samples is limited to those alcohol beverages authorized to be sold.

5 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall  
6 be based on the same standards and criteria that the municipality has established  
7 by ordinance for the evaluation and approval of retail license applications. A  
8 municipality may not impose any requirement or restriction in connection with the  
9 approval under subd. 1. that the municipality does not impose on retail licensees.

10 (e) 1. A winery may operate a restaurant at any full-service retail outlet under  
11 this subsection and on the winery premises.

12 2. If the winery operates a restaurant as provided in subd. 1., the winery may  
13 make retail sales of wine in an opened original bottle, in a quantity not to exceed one  
14 bottle, for consumption both at the restaurant and away from the restaurant if all  
15 of the following apply:

16 a. The purchaser of the wine orders food to be consumed at the restaurant.

17 b. The winery provides a dated receipt that identifies the purchase of the food  
18 and the bottle of wine.

19 c. Prior to the opened, partially consumed bottle of wine being taken away from  
20 the restaurant, the winery securely reinserts the cork into the bottle to the point  
21 where the top of the cork is even with the top of the bottle, or securely reattaches the  
22 original cap to the bottle, and the cork is reinserted or the cap is reattached at a time  
23 other than during the hours in which the winery is prohibited under sub. (4) (b) from  
24 making retail sales for off-premises consumption.

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1 (f) 1. If a winery may establish one or more full-service retail outlets under  
2 pars. (b) and (g) and the winery also holds a manufacturer's or rectifier's permit or  
3 brewer's permit or both and, as such, may establish full-service retail outlets under  
4 s. 125.29 (7) (b) and (g) or 125.52 (4) (b) and (g), the aggregate number of full-service  
5 retail outlets that may be established is the maximum number authorized under par.  
6 (b), under s. 125.29 (7) (b), or under s. 125.52 (4) (b), whichever is greatest, but not  
7 exceeding 3 full-service retail outlets. Under these circumstances, each authorized  
8 full-service retail outlet shall serve as the full-service retail outlet associated with  
9 each applicable permit, regardless of whether the permittee would otherwise be  
10 entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.29  
11 (7) (b) or 125.52 (4) (b).

12 2. If a winery may engage in full-service retail sales on the winery premises  
13 as provided in par. (a) 2. and the winery also holds a brewer's permit or  
14 manufacturer's or rectifier's permit or both, the winery may make retail sales on the  
15 winery premises of fermented malt beverages produced under its brewer's permit or  
16 intoxicating liquor produced under its manufacturer's or rectifier's permit without  
17 first purchasing the fermented malt beverages or intoxicating liquor from a  
18 wholesaler holding a permit under s. 125.28 or 125.54 or receiving the fermented  
19 malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g), or 125.30  
20 (4).

21 3. If a person holds more than one winery permit under this section, the retail  
22 sales authority under this subsection for winery premises applies with respect to  
23 each winery permit, but the limit on full-service retail outlets is an aggregate  
24 maximum, regardless of the number of winery permits held.

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1 (g) 1. An application for a winery permit, including an application for an  
2 amendment to the winery permit, shall specify each full-service retail outlet of the  
3 winery and particularly describe the premises of the full-service retail outlet.

4 2. The division shall establish a process for approval of a winery's full-service  
5 retail outlet and for revocation of this approval. The division shall approve a winery's  
6 full-service retail outlet, and may not revoke this approval, unless the winery has  
7 violated a provision of this chapter related to full-service retail outlets. The  
8 division's failure to approve, or revocation of approval of, a full-service retail outlet  
9 described in a winery's application or permit does not affect any other full-service  
10 retail outlet or the winery premises as described in the application or permit.

11 3. If the division approves a full-service retail outlet, the winery permit, as  
12 initially issued or as amended, shall particularly describe the premises constituting  
13 the full-service retail outlet, which shall be considered part of the premises under  
14 the winery permit.

15 4. If the division approves a full-service retail outlet, the agent appointed  
16 under s. 125.04 (6) for the winery permit shall also serve as the agent for the  
17 full-service retail outlet.

18 5. Section 125.04 (12) (a) does not apply to a winery's full-service retail outlet.  
19 Upon notice to the division, a winery may relocate any full-service retail outlet to a  
20 new location within this state once per calendar year, except that one full-service  
21 retail outlet of a winery may be relocated without limitation on frequency in each  
22 calendar year.

23 (4) (a) On winery premises, no person may sell alcohol beverages at retail for  
24 on-premises consumption, provide taste samples of alcohol beverages, or consume  
25 alcohol beverages during the closing hours applicable to a Class "B" licensee under



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1 s. 125.32 (3) (a). A full-service retail outlet under sub. (3) shall be subject to the same  
2 closing hours applicable to a Class “B” licensee under s. 125.32 (3) (a).

3 (b) On winery premises and at a full-service retail outlet, no person may sell  
4 alcohol beverages at retail for off-premises consumption during the hours in which  
5 a Class “B” licensee in the municipality where the winery or retail outlet is located  
6 may not make retail sales under s. 125.32 (3) (am) and (d).

7 (c) No member of the public or invited guests may be present on winery  
8 premises during the closing hours applicable to a Class “B” licensee under s. 125.32  
9 (3) (a).

10 (d) Activities authorized under a winery permit related to the production,  
11 shipment, transportation, or delivery of alcohol beverages may occur at any time.

12 **SECTION 209.** 125.535 (1) of the statutes is amended to read:

13 125.535 (1) AUTHORIZED ACTIVITIES. The ~~department~~ division shall issue direct  
14 wine shippers’ permits authorizing the permittee to ship wine manufactured or  
15 bottled by the permittee directly to an individual in this state who is of the legal  
16 drinking age, who acknowledges receipt of the wine shipped, and who is not  
17 intoxicated at the time of delivery.

18 **SECTION 210.** 125.535 (2) of the statutes is amended to read:

19 125.535 (2) ANNUAL PERMIT FEE. The ~~department~~ division may, by rule,  
20 establish an annual fee, not to exceed \$100, for each permit issued under this section.  
21 All fees collected under this subsection shall be credited to the appropriation account  
22 under s. 20.566 (1) (ha).

23 **SECTION 211.** 125.535 (3) (b) 2. of the statutes is amended to read:

24 125.535 (3) (b) 2. The winery submits to the ~~department~~ division, with any  
25 initial application or renewal for a certificate under s. 73.03 (50) or a permit under

**ASSEMBLY BILL 304****SECTION 211**

1 par. (a) 3. or 4., a copy of any current license, permit, or authorization issued to the  
2 winery by the state from which the winery will ship wine into this state or the  
3 winery's federal basic permit.

4 **SECTION 212.** 125.535 (3) (b) 3. of the statutes is created to read:

5 125.535 (3) (b) 3. The winery satisfies all requirements under par. (d).

6 **SECTION 213.** 125.535 (3) (c) of the statutes is amended to read:

7 125.535 (3) (c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining  
8 direct wine shippers' permits are not required to be residents of this state.  
9 Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a  
10 responsible beverage server training course to be eligible for a permit under this  
11 section. ~~Corporations and limited liability companies obtaining direct wine shippers'~~  
12 ~~permits are subject to s. 125.04 (6) and any other person, including any natural~~  
13 ~~person or cooperative, obtaining a direct wine shipper's permit shall appoint an~~  
14 ~~agent, and be subject to all provisions of s. 125.04 (6), in the same manner applicable~~  
15 ~~to corporations and limited liability companies. Notwithstanding s. 125.04 (5) (a) 2.~~  
16 ~~and (c), an agent appointed under s. 125.04 (6) by a corporation or limited liability~~  
17 ~~company obtaining a direct wine shipper's permit is not required to be a resident of~~  
18 ~~this state.~~

19 **SECTION 214.** 125.535 (3) (d) and (e) of the statutes are created to read:

20 125.535 (3) (d) 1. Unless the permittee or agent of the permittee appointed  
21 under s. 125.04 (6) is a resident of this state, or unless the permittee maintains a  
22 registered agent in this state under s. 180.0501, 180.1507, 183.0105, or 183.1007, a  
23 permittee under this section shall appoint and continually engage the services of an  
24 agent in this state to act as agent for the service of process on whom all processes,  
25 and any action or proceeding against the permittee concerning or arising out of the

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1 enforcement of any provision of this chapter or ch. 139, may be served in any manner  
2 authorized by law. That service shall constitute legal and valid service of process on  
3 the permittee. The permittee shall provide to the division, in the form and manner  
4 prescribed by the division, the name, address, phone number, and proof of the  
5 appointment and availability of the agent.

6 2. The permittee shall provide notice to the division 30 calendar days before  
7 termination of the authority of an agent under subd. 1. and shall provide proof to the  
8 satisfaction of the division of the appointment of a new agent no less than 5 calendar  
9 days before the termination of an existing agent appointment. In the event an agent  
10 terminates an agency appointment, the permittee shall notify the division of that  
11 termination within 5 calendar days and shall include proof to the satisfaction of the  
12 division of the appointment of a new agent.

13 3. If a permittee fails to maintain an agent in this state after a permit is issued  
14 under this section, the permittee is considered to have appointed the department of  
15 financial institutions as the permittee's agent, and the permittee may be proceeded  
16 against in courts of this state by service of process upon the department of financial  
17 institutions.

18 (e) The application for a permit under this section shall include a provision that  
19 the permittee agrees to do all of the following:

20 1. File reports, provide records, and allow inspections and examinations to the  
21 extent provided in s. 125.025 and ch. 139.

22 2. Pay the expenses reasonably attributable to inspections and examinations  
23 made by the division at any premises of the permittee located outside this state.

24 3. Accept service of process and consent to jurisdiction in any proceeding in this  
25 state to enforce the provisions of this chapter or ch. 139.

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1           **SECTION 215.** 125.535 (7) of the statutes is created to read:

2           125.535 (7) SHIPMENTS THROUGH FULFILLMENT HOUSE; COMMON CARRIERS. (a) A  
3           permittee under this section may arrange with a fulfillment house to ship wine on  
4           the permittee's behalf only if the fulfillment house holds a permit under s. 125.23.

5           (b) All containers of wine shipped directly to an individual in this state shall  
6           be shipped using a common carrier holding a permit issued under s. 125.22.

7           **SECTION 216.** 125.54 (1) of the statutes is amended to read:

8           125.54 (1) AUTHORIZED ACTIVITIES. The department division shall issue  
9           wholesalers' permits authorizing the permittee to sell, from the premises described  
10          in the permit, intoxicating liquor at wholesale to retailers and wholesalers, as well  
11          as to manufacturers, rectifiers, and wineries for production purposes. The permittee  
12          may not sell intoxicating liquor for consumption on the premises. Possession of a  
13          permit under this section does not authorize the permittee to sell tax-free  
14          intoxicating liquor and wine brought into this state under s. 139.03 (5).

15          **SECTION 217.** 125.54 (3) of the statutes is amended to read:

16          125.54 (3) TASTE SAMPLES ON "CLASS A" RETAIL PREMISES. Wholesalers holding  
17          a permit 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) or 125.69 (9)~~.

20          **SECTION 218.** 125.54 (5) of the statutes is amended to read:

21          125.54 (5) SALES AREA. No wholesaler may sell any intoxicating liquor before  
22          filing with the department division a written statement that the permittee is a  
23          distributor of a particular brand in this state, or an area of this state, and that the  
24          sales of that brand by the permittee and anyone purchasing from the permittee will

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1 be limited to the area specified. The permittee shall notify the ~~department~~ division  
2 of any change in the area within 7 days of the effective date of the change.

3 **SECTION 219.** 125.54 (6) of the statutes is amended to read:

4 125.54 (6) MULTIPLE PERMITS. ~~Not more than 2~~ Multiple wholesalers' permits  
5 may be issued to any one person. In each application for a wholesaler's permit, the  
6 applicant shall state ~~that~~ whether application has ~~not~~ been made for ~~more than one~~  
7 any other wholesaler's permit and shall identify any other wholesaler's permit held  
8 by the applicant.

9 **SECTION 220.** 125.54 (7) (a) 2. of the statutes is amended to read:

10 125.54 (7) (a) 2. A permittee under this section shall annually sell and deliver  
11 intoxicating liquor to at least 10 retail licensees or permittees that do not have ~~any~~  
12 ~~direct or indirect~~ an interest in each other or in the permittee under this section. The  
13 ~~department~~ division shall not issue a permit under this section unless the applicant  
14 represents to the ~~department~~ division an intention to satisfy this requirement, and  
15 shall not renew a permit issued under this section unless the permittee  
16 demonstrates that this requirement has been satisfied.

17 **SECTION 221.** 125.54 (7) (c) 3. of the statutes is amended to read:

18 125.54 (7) (c) 3. This paragraph shall not affect the authority of any  
19 municipality or the ~~department~~ division to revoke, suspend, or refuse to renew or  
20 issue a license or permit under s. 125.12.

21 **SECTION 222.** 125.54 (7) (d) of the statutes is amended to read:

22 125.54 (7) (d) The ~~department~~ division shall promulgate rules to administer  
23 and enforce the requirements under this subsection. The rules shall ensure  
24 coordination between the ~~department's~~ division's issuance and renewal of permits  
25 under this section and its enforcement of the requirements of this subsection, and

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1 shall require that all applications for issuance or renewal of permits under this  
2 section be processed by department division personnel generally familiar with  
3 activities of intoxicating liquor wholesalers. The ~~department~~ division shall establish  
4 by rule minimum requirements for warehouse facilities on premises described in  
5 permits issued under this section and for periodic site inspections by the ~~department~~  
6 division of such warehouse facilities.

7 **SECTION 223.** 125.545 (title) of the statutes is amended to read:

8 **125.545 (title) Small winery cooperative wholesalers.**

9 **SECTION 224.** 125.545 (1) (a) of the statutes is amended to read:

10 125.545 (1) (a) “Member” means a small winery or small manufacturer that  
11 meets the requirements established under this section for membership in a  
12 cooperative wholesaler and that has been qualified and accepted for membership in  
13 a cooperative wholesaler.

14 **SECTION 225.** 125.545 (1) (ar) of the statutes is created to read:

15 125.545 (1) (ar) “Out-of-state manufacturer” means a manufacturer or  
16 rectifier of intoxicating liquor that is located in a state other than this state.

17 **SECTION 226.** 125.545 (1) (cm) of the statutes is created to read:

18 125.545 (1) (cm) “Small manufacturer” means any manufacturer or rectifier  
19 that produces and bottles less than 50,000 gallons of intoxicating liquor other than  
20 wine in a calendar year.

21 **SECTION 227.** 125.545 (1) (d) of the statutes is amended to read:

22 125.545 (1) (d) “Small winery” means any winery that produces and bottles less  
23 than ~~25,000~~ 50,000 gallons of wine in a calendar year.

24 **SECTION 228.** 125.545 (1) (e) of the statutes is amended to read:

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1           125.545 (1) (e) “Small winery cooperative wholesaler” or “cooperative  
2 wholesaler” means an entity established under this section.

3           **SECTION 229.** 125.545 (1) (em) of the statutes is created to read:

4           125.545 (1) (em) “Wisconsin manufacturer” means a manufacturer or rectifier  
5 operating under a permit issued under s. 125.52.

6           **SECTION 230.** 125.545 (2) (a) 1. of the statutes is amended to read:

7           125.545 (2) (a) 1. A cooperative wholesaler may only be created as provided  
8 under s. 185.043 (2) and this section. Each cooperative wholesaler operating under  
9 authority of this section shall be organized under ch. 185 but shall be subject to the  
10 limitations on such cooperatives imposed by this section. Subject to ~~subd.~~ subds. 3.  
11 and 4., only small wineries and small manufacturers may be members of a  
12 cooperative wholesaler. The principal purpose of a cooperative wholesaler shall be  
13 to sell and distribute ~~wine~~ intoxicating liquor manufactured, blended, or mixed, and  
14 also bottled, by its members.

15           **SECTION 231.** 125.545 (2) (a) 3. b. of the statutes is amended to read:

16           125.545 (2) (a) 3. b. The small winery is certified by the ~~department~~ division  
17 under sub. (6) (a) as a small winery.

18           **SECTION 232.** 125.545 (2) (a) 4. of the statutes is created to read:

19           125.545 (2) (a) 4. A small manufacturer may become a member of a cooperative  
20 wholesaler only if the small manufacturer is certified by the division under sub. (6)  
21 (a) as a small manufacturer.

22           **SECTION 233.** 125.545 (2) (b) of the statutes is amended to read:

23           125.545 (2) (b) In addition to the requirements specified in s. 185.31 for the  
24 board of directors of a cooperative wholesaler, a director representing a member that  
25 is a Wisconsin winery or Wisconsin manufacturer shall be either an owner or an

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1 employee of that Wisconsin winery or Wisconsin manufacturer. If any out-of-state  
2 winery or out-of-state manufacturer is a member of the cooperative wholesaler, at  
3 least one director shall be either an owner or an employee of an out-of-state winery  
4 or out-of-state manufacturer that is a member of the cooperative wholesaler.

5 **SECTION 234.** 125.545 (2) (c) of the statutes is amended to read:

6 125.545 (2) (c) Notwithstanding any provision of ch. 185, a cooperative  
7 wholesaler may not employ any owner or employee of a member. However, an  
8 individual that is an owner or an employee of a member may act as a volunteer to  
9 assist that cooperative wholesaler in the sale and distribution of wine intoxicating  
10 liquor to retailers and other wholesalers in the manner authorized under this  
11 section.

12 **SECTION 235.** 125.545 (3) (a) 1. of the statutes is amended to read:

13 125.545 (3) (a) 1. Within 7 days after filing its articles of incorporation under  
14 ch. 185, a cooperative wholesaler shall apply to the department division for a  
15 wholesaler's permit under s. 125.54. The provisions of s. 125.04 (5) (c) and (6) shall  
16 apply to a cooperative wholesaler as if the cooperative wholesaler were a corporation  
17 or a limited liability company and, for each of these provisions, the department  
18 division shall determine whether the cooperative wholesaler is most similar to a  
19 corporation or a limited liability company in the context of that provision and apply  
20 that provision to the cooperative wholesaler accordingly.

21 **SECTION 236.** 125.545 (3) (a) 2. of the statutes is amended to read:

22 125.545 (3) (a) 2. Notwithstanding s. 125.54 (6), the department division may  
23 issue not more than one wholesaler's permit to any cooperative wholesaler. The  
24 department division may not issue more than a total of 6 wholesalers' permits to  
25 cooperative wholesalers in this state. ~~The department~~ Except as provided in subd.



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1 2m., the division may not issue any new wholesaler's permit to a cooperative  
2 wholesaler after December 31, 2008, but may renew wholesalers' permits that were  
3 initially issued to cooperative wholesalers prior to that date.

4 **SECTION 237.** 125.545 (3) (a) 2m. of the statutes is created to read:

5 125.545 (3) (a) 2m. The division may issue new wholesalers' permits to  
6 cooperative wholesalers after the effective date of this subdivision .... [LRB inserts  
7 date], but not later than the first day of the 7th month beginning after the effective  
8 date of this subdivision .... [LRB inserts date], and may renew wholesalers' permits  
9 that were initially issued to cooperative wholesalers during this period. The division  
10 may not issue new wholesalers' permits under this subdivision that cause the total  
11 number of wholesalers' permits issued to cooperative wholesalers in this state to  
12 exceed 6.

13 **SECTION 238.** 125.545 (3) (b) of the statutes is amended to read:

14 125.545 (3) (b) 1. Notwithstanding s. 125.54 (1), and except as provided in subd.  
15 3., a cooperative wholesaler issued a wholesaler's permit under par. (a) is authorized  
16 to sell and distribute only ~~wine~~ intoxicating liquor. Except as provided in subd. 3.,  
17 a cooperative wholesaler may not sell or distribute any alcohol beverages, or any  
18 other product, except ~~wine~~ intoxicating liquor.

19 2. A cooperative wholesaler shall purchase ~~on consignment wine~~ intoxicating  
20 liquor from its members to be resold to retailers and other wholesalers.  
21 Notwithstanding s. 125.69 (5), a cooperative wholesaler may not purchase ~~wine~~  
22 intoxicating liquor from any person other than a member. A cooperative wholesaler  
23 may not resell or distribute ~~wine~~ intoxicating liquor unless it has been purchased ~~on~~  
24 ~~consignment~~ from a member. Notwithstanding s. 125.54 (1), a cooperative

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1 wholesaler may not sell or distribute ~~wine~~ intoxicating liquor except to a retailer or  
2 to a wholesaler holding a permit under s. 125.54.

3 3. A cooperative wholesaler may purchase ancillary ~~wine~~ industry trade goods  
4 such as bottles, corks, and other supplies used by wineries or manufacturers in the  
5 bottling and sale of ~~wine~~ intoxicating liquor if such trade goods do not include any  
6 alcohol beverages. Any ~~wine~~ industry trade goods purchased by a cooperative  
7 wholesaler under this subdivision may be offered for resale to the cooperative  
8 wholesaler's members or to any winery or manufacturer that was formerly a member  
9 of the cooperative wholesaler.

10 4. A cooperative wholesaler shall work with all of its members on evenhanded  
11 terms. Any preferential treatment by a cooperative wholesaler for the benefit of a  
12 member that is a Wisconsin winery or Wisconsin manufacturer, and any  
13 discrimination against a member that is an out-of-state winery or out-of-state  
14 manufacturer, is prohibited.

15 **SECTION 239.** 125.545 (3) (c) of the statutes is amended to read:

16 125.545 (3) (c) Neither a cooperative wholesaler nor its members are subject  
17 to any restriction on dealings under s. 125.69 (1) between wholesalers and wineries  
18 or manufacturers. Except as provided in s. 125.54 (7) (e) and as otherwise provided  
19 in this section, all provisions of this chapter and ch. 139 that apply to a wholesaler  
20 issued a permit under s. 125.54 also apply to a cooperative wholesaler issued a permit  
21 under s. 125.54.

22 **SECTION 240.** 125.545 (4) of the statutes is amended to read:

23 125.545 (4) EXCLUSIVE DISTRIBUTION. A member of a cooperative wholesaler  
24 may make its ~~wine~~ intoxicating liquor available for purchase by a retailer or another  
25 wholesaler only through the cooperative wholesaler of which it is a member. A

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1 member of a cooperative wholesaler may not sell its wine intoxicating liquor directly  
2 to any other wholesaler or directly to a retailer.

3 **SECTION 241.** 125.545 (5) of the statutes is amended to read:

4 125.545 (5) BIENNIAL REPORTS. With each application for renewal of a  
5 wholesaler's permit issued to a cooperative wholesaler, each cooperative wholesaler  
6 shall file with the ~~department~~ division, in the form and manner prescribed by the  
7 ~~department~~ division by rule, a biennial report that includes detailed information on  
8 its members, board of directors, and sale and distribution activities.

9 **SECTION 242.** 125.545 (6) (title) and (a) 1. and 2. of the statutes are amended  
10 to read:

11 125.545 (6) (title) ~~DEPARTMENT~~ DIVISION CERTIFICATION AND RULE MAKING.

12 (a) 1. The ~~department~~ division shall, upon application, certify eligible  
13 applicants as small wineries or small manufacturers and renew prior certifications  
14 of eligible applicants as small wineries or small manufacturers.

15 2. Any winery seeking to become a member of, or to maintain its membership  
16 in, a cooperative wholesaler may apply to the ~~department~~ division for certification  
17 as a small winery. If the winery meets the definition of a small winery under this  
18 section, satisfies the requirement under sub. (2) (a) 3. a., and submits any other  
19 information that the ~~department~~ division determines is necessary to certify that the  
20 winery is operating as a small winery and is eligible for membership in a cooperative  
21 wholesaler, the ~~department~~ division shall certify the winery as a small winery. This  
22 certification shall remain valid for one year.

23 **SECTION 243.** 125.545 (6) (a) 2m. of the statutes is created to read:

24 125.545 (6) (a) 2m. Any manufacturer seeking to become a member of, or to  
25 maintain its membership in, a cooperative wholesaler may apply to the division for

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1 certification as a small manufacturer. If the manufacturer meets the definition of  
2 a small manufacturer under this section and submits any other information that the  
3 division determines is necessary to certify that the manufacturer is operating as a  
4 small manufacturer and is eligible for membership in a cooperative wholesaler, the  
5 division shall certify the manufacturer as a small manufacturer. This certification  
6 shall remain valid for one year.

7 **SECTION 244.** 125.545 (6) (a) 3. of the statutes is amended to read:

8 125.545 (6) (a) 3. In certifying any winery under subd. 2., the department  
9 division shall classify the winery as either a Wisconsin winery or an out-of-state  
10 winery.

11 **SECTION 245.** 125.545 (6) (a) 3m. of the statutes is created to read:

12 125.545 (6) (a) 3m. In certifying any manufacturer under subd. 2m., the  
13 division shall classify the manufacturer as either a Wisconsin manufacturer or an  
14 out-of-state manufacturer.

15 **SECTION 246.** 125.545 (6) (a) 4. of the statutes is amended to read:

16 125.545 (6) (a) 4. The ~~department~~ division shall refuse to certify under this  
17 paragraph any winery or manufacturer that cannot demonstrate it holds all  
18 necessary permits for its operations or that the department division finds is  
19 otherwise not in full compliance with the laws of this state.

20 **SECTION 247.** 125.545 (6) (b) of the statutes is amended to read:

21 125.545 (6) (b) The department division shall promulgate rules to administer  
22 and enforce the requirements under this section.

23 **SECTION 248.** 125.545 (7) of the statutes is amended to read:

24 125.545 (7) PENALTIES. (a) Any winery or manufacturer that sells or distributes  
25 its ~~wine~~ intoxicating liquor directly to a retailer, rather than through a wholesaler

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1 or cooperative wholesaler, is subject to a fine of not more than \$10,000 and revocation  
2 of all of its permits by the department division under s. 125.12 (5).

3 (b) Any cooperative wholesaler that provides preferential treatment to a  
4 Wisconsin winery or Wisconsin manufacturer or discriminates against an  
5 out-of-state winery or out-of-state manufacturer is subject to a fine of not more  
6 than \$10,000 and revocation of its wholesaler's permit by the department division  
7 under s. 125.12 (5).

8 **SECTION 249.** 125.55 (1) of the statutes is amended to read:

9 125.55 (1) The department division may issue a combination manufacturer's  
10 and rectifier's permit.

11 **SECTION 250.** 125.56 (2) (a) of the statutes is amended to read:

12 125.56 (2) (a) The department division shall issue sacramental wine permits  
13 to organized religious bodies authorizing them to purchase for their own use  
14 sacramental wine from any permittee under s. 125.52 (1), 125.53 or 125.54. A permit  
15 under this subsection does not authorize the resale of sacramental wine by the  
16 permittee.

17 **SECTION 251.** 125.56 (2) (c) of the statutes is amended to read:

18 125.56 (2) (c) Shipments of sacramental wine shall be conspicuously labeled  
19 "for sacramental purposes" and shall meet any other requirements the department  
20 division prescribes by rule.

21 **SECTION 252.** 125.56 (2) (d) of the statutes is amended to read:

22 125.56 (2) (d) A sacramental wine permit shall be issued free of charge by the  
23 department division and is not subject to s. 125.04 (11) (a).

24 **SECTION 253.** 125.58 (1) of the statutes is amended to read:

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1           125.58 (1) The ~~department~~ division shall issue out-of-state shippers' permits  
2 which authorize persons located outside this state to sell or ship intoxicating liquor  
3 into this state. Except as provided under ~~sub.~~ subs. (4) and (5), intoxicating liquor  
4 may be shipped into this state only to a person holding a wholesaler's permit under  
5 s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a  
6 permit under this section, to a person holding a manufacturer's or rectifier's permit  
7 under s. 125.52 or a winery permit under s. 125.53. Except as provided under ~~sub.~~  
8 subs. (4) and (5), a separate out-of-state shipper's permit is required for each  
9 location from which any intoxicating liquor is sold or shipped into this state,  
10 including the location from which the invoices are issued for the sales or shipments.  
11 Any person holding an out-of-state shipper's permit issued under this section may  
12 solicit orders for sales or shipments by the permittee without obtaining the sales  
13 solicitation permit required by s. 125.65, but every agent, salesperson or other  
14 representative who solicits orders for sales or shipments by an out-of-state shipper  
15 shall first obtain a permit for soliciting orders under s. 125.65. No holder of an  
16 out-of-state shipper's permit issued under this section may sell intoxicating liquor  
17 in this state or ship intoxicating liquor into this state unless the out-of-state shipper  
18 is the primary source of supply for that intoxicating liquor.

19           **SECTION 254.** 125.58 (2) of the statutes is renumbered 125.58 (2) (a).

20           **SECTION 255.** 125.58 (2) (b) and (c) of the statutes are created to read:

21           125.58 (2) (b) 1. Unless the permittee or agent of the permittee appointed under  
22 s. 125.04 (6) is a resident of this state, or unless the permittee maintains a registered  
23 agent in this state under s. 180.0501, 180.1507, 183.0105, or 183.1007, a permittee  
24 under this section shall appoint and continually engage the services of an agent in  
25 this state to act as agent for the service of process on whom all processes, and any

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1 action or proceeding against the permittee concerning or arising out of the  
2 enforcement of any provision of this chapter or ch. 139, may be served in any manner  
3 authorized by law. That service shall constitute legal and valid service of process on  
4 the permittee. The permittee shall provide to the division, in the form and manner  
5 prescribed by the division, the name, address, phone number, and proof of the  
6 appointment and availability of the agent.

7 2. The permittee shall provide notice to the division 30 calendar days before  
8 termination of the authority of an agent under subd. 1. and shall provide proof to the  
9 satisfaction of the division of the appointment of a new agent no less than 5 calendar  
10 days before the termination of an existing agent appointment. In the event an agent  
11 terminates an agency appointment, the permittee shall notify the division of that  
12 termination within 5 calendar days and shall include proof to the satisfaction of the  
13 division of the appointment of a new agent.

14 3. If a permittee fails to maintain an agent in this state after a permit is issued  
15 under this section, the permittee is considered to have appointed the department of  
16 financial institutions as the permittee's agent, and the permittee may be proceeded  
17 against in courts of this state by service of process upon the department of financial  
18 institutions.

19 (c) The application for a permit under this section shall include a provision that  
20 the permittee agrees to do all of the following:

21 1. File reports, provide records, and allow inspections and examinations to the  
22 extent provided in s. 125.025 and ch. 139.

23 2. Pay the expenses reasonably attributable to inspections and examinations  
24 made by the division at the premises of the permittee located outside this state.

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1           3. Accept service of process and consent to jurisdiction in any proceeding in this  
2 state to enforce the provisions of this chapter or ch. 139.

3           **SECTION 256.** 125.58 (5) of the statutes is created to read:

4           125.58 (5) A fulfillment house located outside this state that holds a permit  
5 under s. 125.23 may ship wine into this state as provided in s. 125.23 and is not  
6 required to hold an out-of-state shipper's permit under this section.

7           **SECTION 257.** 125.60 (1) of the statutes is amended to read:

8           125.60 (1) The ~~department~~ division may issue a wholesale alcohol permit  
9 which authorizes the permittee to sell ethyl alcohol of 190 proof or more to persons  
10 holding permits or licenses issued under s. 125.61 or 125.62. Nothing in this section  
11 requires manufacturers, rectifiers and wholesalers holding permits issued under s.  
12 125.52 (1) or 125.54 to obtain a wholesale alcohol permit.

13           **SECTION 258.** 125.61 (1) of the statutes is amended to read:

14           125.61 (1) The ~~department~~ division may issue a medicinal alcohol permit  
15 which authorizes the permittee to purchase and use alcohol for medicinal purposes  
16 only. The permit may be issued only to persons who prove to the ~~department~~ division  
17 that they use alcohol for medicinal purposes.

18           **SECTION 259.** 125.61 (3) of the statutes is amended to read:

19           125.61 (3) Shipments of medicinal alcohol shall be conspicuously labeled "for  
20 medicinal purposes" and shall meet other requirements which the ~~department~~  
21 division prescribes by rule.

22           **SECTION 260.** 125.61 (4) of the statutes is amended to read:

23           125.61 (4) A medicinal permit shall be issued free of charge by the ~~department~~  
24 division and is not subject to s. 125.04 (11) (a).

25           **SECTION 261.** 125.62 (1) of the statutes is amended to read:



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1           125.62 (1) The department division may issue an industrial alcohol permit  
2           which authorizes the permittee to purchase and use alcohol for industrial purposes  
3           only. Such permits may be issued only to persons who prove to the department  
4           division that they use alcohol for industrial purposes.

5           **SECTION 262.** 125.62 (3) of the statutes is amended to read:

6           125.62 (3) Shipments of industrial alcohol shall be conspicuously labeled “for  
7           industrial purposes” and shall meet other requirements which the department  
8           division prescribes by rule.

9           **SECTION 263.** 125.63 (1) of the statutes is amended to read:

10          125.63 (1) The department division may issue an industrial wine permit which  
11          authorizes the purchase and use of wine for industrial purposes only. An industrial  
12          wine permit may be issued only to persons who prove to the department division that  
13          they use wine for industrial purposes.

14          **SECTION 264.** 125.63 (3) of the statutes is amended to read:

15          125.63 (3) Shipments of industrial wine shall be conspicuously labeled “for  
16          industrial purposes” and shall meet other requirements which the department  
17          division prescribes by rule.

18          **SECTION 265.** 125.65 (1) of the statutes is amended to read:

19          125.65 (1) The department division may issue a permit for wholesale sales for  
20          future delivery which authorizes the permittee to solicit orders, and to engage in the  
21          sale, of intoxicating liquor for delivery at a future date. A person holding a permit  
22          under this section may give a sample of a brand of intoxicating liquor to a “Class A”  
23          licensee who has not previously purchased that brand from the permittee.

24          **SECTION 266.** 125.65 (4) (intro.) of the statutes is amended to read:

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1           125.65 (4) (intro.) The ~~department~~ division shall require the following  
2 information in applications for permits under this section:

3           **SECTION 267.** 125.65 (4) (e) of the statutes is amended to read:

4           125.65 (4) (e) Any other information required by the ~~department~~ division.

5           **SECTION 268.** 125.65 (6) of the statutes is amended to read:

6           125.65 (6) Employers shall furnish the ~~department~~ division with the names of  
7 all employees engaged in activities requiring a permit under this section and shall  
8 notify the ~~department~~ division whenever an employee begins or terminates  
9 employment. Upon leaving employment, an employee shall submit his or her permit  
10 to the ~~department~~ division for cancellation.

11           **SECTION 269.** 125.65 (10) of the statutes is amended to read:

12           125.65 (10) The ~~department~~ division may not require a fee for a permit under  
13 this section for an individual who is eligible for the veterans fee waiver program  
14 under s. 45.44.

15           **SECTION 270.** 125.68 (2) of the statutes is amended to read:

16           125.68 (2) OPERATORS' LICENSES AND PERMITS; "CLASS A," "CLASS B," "CLASS C," AND  
17 OTHER PREMISES. Except as provided under ss. 125.07 (3) (a) 10. and 125.51 (10), no  
18 premises operated under a "Class A" or "Class C" license or under a "Class B" license  
19 or permit may be open for business, and no person who holds a brewer's permit,  
20 manufacturer's or rectifier's permit, or winery permit may allow the sale or provision  
21 of taste samples of intoxicating liquor on the brewery premises, manufacturing or  
22 rectifying premises as provided in s. ~~125.52 (1) (b) 2.,~~ winery premises, or any retail  
23 outlet operated by the brewer, manufacturer, rectifier, or winery under s. 125.29 (7),  
24 125.52 (4), or 125.53 (3), unless there is upon the premises either the licensee or  
25 permittee, the agent named in the license or permit if the licensee or permittee is a

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1 corporation or limited liability company, or some person who has an operator's  
2 license or operator's permit and who is responsible for the acts of all persons selling  
3 or serving any intoxicating liquor to customers. An operator's license issued in  
4 respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues  
5 it. For the purpose of this subsection, any person holding a manager's license issued  
6 under s. 125.18 or any member of the licensee's or permittee's immediate family who  
7 has attained the age of 18 shall be considered the holder of an operator's license. No  
8 person, ~~including a member of the licensee's or permittee's immediate family,~~ other  
9 than the licensee, permittee, or agent may serve or sell alcohol beverages in any place  
10 operated under a "Class A" or "Class C" license or under a "Class B" license or permit,  
11 or serve or sell intoxicating liquor on brewery premises, manufacturing or rectifying  
12 premises, winery premises, or any retail outlet operated by a brewer, manufacturer,  
13 rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless he or she has  
14 an operator's license or operator's permit, is considered to have an operator's license  
15 under this subsection, or is at least 18 years of age and is under the immediate  
16 supervision of the licensee, permittee, or agent or a person holding an operator's  
17 license or operator's permit, who is on the premises at the time of the service.

18 **SECTION 271.** 125.68 (4) (c) 1. of the statutes is amended to read:

19 125.68 (4) (c) 1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises  
20 for which a "Class B" license or permit or a "Class C" license has been issued may  
21 remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided  
22 in this subdivision and subd. 4. On January 1 premises operating under a "Class B"  
23 license or permit are not required to close. On Saturday and Sunday, no premises  
24 may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that  
25 daylight saving time begins as specified in s. 175.095 (2), no premises may remain

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1 open between 3:30 a.m. and 6 a.m. ~~This subdivision does not apply to a “Class B”~~  
2 ~~license issued to a winery under s. 125.51 (3) (am).~~

3 **SECTION 272.** 125.68 (4) (c) 3. of the statutes is amended to read:

4 125.68 (4) (c) 3. Between 12 midnight and 6 a.m. no person may sell  
5 intoxicating liquor on “Class B” licensed premises in an original unopened package,  
6 container or bottle or for consumption away from the premises or on “Class C”  
7 licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body  
8 may, by ordinance, impose more restrictive hours than are provided in this  
9 subdivision except with respect to the sale of intoxicating liquor authorized under s.  
10 125.51 (3r) (a). ~~This subdivision does not apply to a “Class B” license issued to a~~  
11 ~~winery under s. 125.51 (3) (am).~~

12 **SECTION 273.** 125.68 (4) (c) 3m. of the statutes is repealed.

13 **SECTION 274.** 125.68 (9) (f) of the statutes is amended to read:

14 125.68 (9) (f) Every person manufacturing, rectifying or blending intoxicating  
15 liquor sold in this state shall provide the department division with the names,  
16 brands, descriptions, alcoholic content by volume and any other information about  
17 the intoxicating liquor required by the department division. Information required  
18 by this paragraph shall be submitted prior to placing any new blend on the market.  
19 The department division may also require by rule that samples of new products be  
20 submitted for examination and analysis.

21 **SECTION 275.** 125.68 (10) (a) and (b) of the statutes are amended to read:

22 125.68 (10) (a) Except as provided in ~~s. ss. 125.23 and~~ 125.535, no intoxicating  
23 liquor may be shipped into this state unless consigned to a person holding a  
24 wholesaler’s permit under s. 125.54 or, if shipped from a manufacturer or rectifier  
25 in another state holding a permit under s. 125.58, consigned to a person holding a

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1 manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s.  
2 125.53.

3 (b) Except as provided in ~~s. ss. 125.23 and~~ 125.535, no common carrier or other  
4 person may transport into and deliver within this state any intoxicating liquor  
5 unless it is consigned to a person holding a wholesaler's permit under s. 125.54 or,  
6 if shipped from a manufacturer or rectifier in another state holding a permit under  
7 s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under  
8 s. 125.52 or a winery permit under s. 125.53. Any common carrier violating this  
9 paragraph shall forfeit \$100 for each violation.

10 **SECTION 276.** 125.69 (1) of the statutes is repealed and recreated to read:

11 125.69 (1) INTEREST RESTRICTIONS. (a) Subject to s. 125.20 (6), a manufacturer's  
12 or rectifier's permit under s. 125.52 may not be issued to any person who holds, or  
13 has an interest in a licensee or permittee holding, any of the following:

14 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under  
15 s. 125.51 (2).

16 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.  
17 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

18 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under  
19 s. 125.51 (5).

20 4. A wholesaler's permit issued under s. 125.28 or 125.54.

21 (b) Subject to s. 125.20 (6), a winery permit under s. 125.53 may not be issued  
22 to any person who holds, or has an interest in a licensee or permittee holding, any  
23 of the following:

24 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under  
25 s. 125.51 (2).

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1           2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.  
2 125.51 (3), or “Class C” license issued under s. 125.51 (3m).

3           3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under  
4 s. 125.51 (5).

5           4. A wholesaler’s permit issued under s. 125.28 or 125.54.

6           (c) Subject to s. 125.20 (6), a wholesaler’s permit under s. 125.54 may not be  
7 issued to any person who holds, or has an interest in a licensee or permittee holding,  
8 any of the following:

9           1. A Class “A” license issued under s. 125.25 or “Class A” license issued under  
10 s. 125.51 (2).

11           2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.  
12 125.51 (3), or “Class C” license issued under s. 125.51 (3m).

13           3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under  
14 s. 125.51 (5).

15           4. A brewer’s permit issued under s. 125.29.

16           5. A brewpub permit issued under s. 125.295.

17           6. A winery permit issued under s. 125.53.

18           7. A manufacturer’s or rectifier’s permit issued under s. 125.52.

19           8. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

20           (d) Subject to s. 125.20 (6), an out-of-state shipper’s permit under s. 125.58  
21 may not be issued to any person who holds, or has an interest in a licensee or  
22 permittee holding, any of the following:

23           1. A Class “A” license issued under s. 125.25 or “Class A” license issued under  
24 s. 125.51 (2).

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1           2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.  
2           125.51 (3), or “Class C” license issued under s. 125.51 (3m).

3           3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under  
4           s. 125.51 (5).

5           4. A wholesaler’s permit issued under s. 125.28 or 125.54.

6           (e) Subject to s. 125.20 (6), a “Class A” license may not be issued to any person  
7           who holds, or has an interest in a permittee holding, any of the following:

8           1. A wholesaler’s permit issued under s. 125.28 or 125.54.

9           2. A brewer’s permit issued under s. 125.29.

10          3. A brewpub permit issued under s. 125.295.

11          4. A winery permit issued under s. 125.53.

12          5. A manufacturer’s or rectifier’s permit issued under s. 125.52.

13          6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

14          (f) Subject to s. 125.20 (6), a “Class B” license or permit or “Class C” license may  
15          not be issued to any person who holds, or has an interest in a permittee holding, any  
16          of the following:

17          1. A wholesaler’s permit issued under s. 125.28 or 125.54.

18          2. A brewer’s permit issued under s. 125.29.

19          3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. e., and (3) (c), a brewpub  
20          permit issued under s. 125.295.

21          4. A winery permit issued under s. 125.53.

22          5. A manufacturer’s or rectifier’s permit issued under s. 125.52.

23          6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

24          **SECTION 277.** 125.69 (1) (a) 5., (b) 5., (c) 9. and (d) 5. of the statutes are created  
25          to read:

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1           125.69 (1) (a) 5. A no-sale event venue permit issued under s. 125.24.

2           (b) 5. A no-sale event venue permit issued under s. 125.24.

3           (c) 9. A no-sale event venue permit issued under s. 125.24.

4           (d) 5. A no-sale event venue permit issued under s. 125.24.

5           **SECTION 278.** 125.69 (4) (e) of the statutes is amended to read:

6           125.69 (4) (e) *Costs.* The cost of administering this subsection shall be charged  
7 to the manufacturer, rectifier and wholesaler permittees. The ~~department~~ division  
8 shall determine the costs and shall establish the procedure for apportioning the cost  
9 against the permittees and provide for the method of payment to the ~~department~~  
10 division.

11           **SECTION 279.** 125.69 (7) of the statutes is amended to read:

12           125.69 (7) LICENSE OR PERMIT REVOCATION. The violation of sub. (1), (3) or (5),  
13 or s. 125.20 (5) (d) as it relates to sub. (1), is sufficient cause for the revocation of the  
14 license or permit of any licensee or permittee receiving the benefit from the  
15 prohibited act as well as the revocation of the license or permit of the licensee or  
16 permittee committing the prohibited act.

17           **SECTION 280.** 125.69 (9) of the statutes is created to read:

18           125.69 (9) PROVIDING TASTE SAMPLES ON RETAIL PREMISES. (a) Subject to par. (e),  
19 with the consent of the “Class A,” “Class B,” or “Class C” licensee, a winery,  
20 manufacturer, or rectifier may provide, free of charge, on “Class A,” “Class B,” or  
21 “Class C” premises, taste samples of intoxicating liquor to any person who has  
22 attained the legal drinking age for consumption on the premises between the hours  
23 of 11 a.m. and 7 p.m.

24           (b) A taste sample of wine may not exceed 3 fluid ounces and a person may not  
25 receive more than 2 taste samples of wine per day. A taste sample of intoxicating



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1 liquor other than wine may not exceed 0.5 fluid ounces and a person may receive not  
2 more than one taste sample of such intoxicating liquor per day.

3 (c) A winery, manufacturer, or rectifier may provide taste samples of any  
4 intoxicating liquor purchased from the retail licensee or of any intoxicating liquor the  
5 winery, manufacturer, or rectifier produced on premises covered by its winery  
6 permit, manufacturer's permit, or rectifier's permit and brings to the retail premises,  
7 but the winery, manufacturer, or rectifier may not leave at the retail premises any  
8 unused intoxicating liquor not purchased from the retail licensee.

9 (d) Any representative of a manufacturer, rectifier, or winery issued a permit  
10 under s. 125.52 or 125.53 may assist the retail licensee in dispensing or serving the  
11 taste samples.

12 (e) This subsection authorizes taste samples only of wine on "Class C" licensed  
13 premises.

14 **SECTION 281.** 139.01 (2p) of the statutes is created to read:

15 139.01 (2p) "Division" means the division of alcohol beverages in the  
16 department.

17 **SECTION 282.** 139.01 (4) of the statutes is amended to read:

18 139.01 (4) "License," and "fermented malt beverages" have the same meaning  
19 as in s. 125.02, and "licensed premises" are premises described in licenses and  
20 permits issued by the department division, cities, villages, or towns under the  
21 authority of said section, other than a permit issued under s. 125.175.

22 **SECTION 283.** 139.01 (4) of the statutes, as affected by 2023 Wisconsin Act ...  
23 (this act), is amended to read:

24 139.01 (4) "License," and "fermented malt beverages" have the same meaning  
25 as in s. 125.02, and "licensed premises" are premises described in licenses and

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1 permits issued by the division, cities, villages, or towns under the authority of said  
2 section, other than ~~a permit~~ permits issued under s. ss. 125.175 and 125.24.

3 **SECTION 284.** 139.01 (6) of the statutes is amended to read:

4 139.01 (6) A “rectifier” is a person who rectifies, purifies or refines distilled  
5 spirits or wines by any process other than by original and continuous distillation  
6 from mash, wort or wash, through continuous closed vessels or pipes, until the  
7 manufacture thereof is complete, or who has in his or her possession any still or leach  
8 tub or keeps any other apparatus for the purpose of refining in any manner distilled  
9 spirits or the other liquors, or who after rectifying and purifying distilled spirits, by  
10 mixing such spirits or liquors with any materials, manufactures any spurious,  
11 imitation or compound liquors for sale, and any person who, without rectifying,  
12 purifying or refining distilled spirits, by mixing such spirits with any materials,  
13 manufactures any spurious, imitation or compound liquors for sale under the name  
14 of “whiskey,” “brandy,” “gin,” “rum,” “spirits,” “cordials” or any other name, and who  
15 is also a distiller or is under substantially the same management or control as a  
16 distiller. A rectifier may sell at wholesale intoxicating liquors rectified by him or her  
17 without any other license than that of a rectifier. “Rectifier” does not include a “Class  
18 B” licensee that prepares, stores, or dispenses mixed drinks in advance of sale in  
19 compliance with s. 125.51 (3) (bg).

20 **SECTION 285.** 139.03 (5) (a) of the statutes is amended to read:

21 139.03 (5) (a) No person who enters this state from another state may have in  
22 his or her possession and bring into the state any intoxicating liquor or wine. The  
23 prohibition in this paragraph does not apply to a person who changes his or her  
24 domicile from another state or a foreign country to this state and who brings into this  
25 state intoxicating liquor and wine constituting household goods. The prohibition in

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1 this paragraph does not apply to intoxicating liquor or wine consigned to any person  
2 having a permit from the ~~secretary~~ division to engage in the sale of such intoxicating  
3 liquor or wine.

4 **SECTION 286.** 139.04 (4) of the statutes is amended to read:

5 139.04 (4) Sale or shipment of fermented malt beverages by a brewer to a  
6 bottler or between brewers, or of intoxicating liquor, whether in bulk or any state of  
7 packaging, between manufacturers, rectifiers, and wineries.

8 **SECTION 287.** 139.06 (3) of the statutes is amended to read:

9 139.06 (3) In shipping intoxicating liquor, whether in bulk ~~for the purpose of~~  
10 ~~bottling or rectifying to a rectifier located within the state~~ or in any state of  
11 packaging, to a manufacturer or rectifier holding a permit under s. 125.52, the  
12 manufacturer or rectifier shall securely affix thereto a label or statement, in such  
13 form as is prescribed by the secretary, reciting that the shipment is ~~made for the~~  
14 ~~purpose of bottling or rectifying~~ a tax-exempt transfer between producers as  
15 authorized under s. 139.04 (4). Each manufacturer or rectifier making such  
16 shipments shall file an information report that shows the dates and quantities of  
17 shipments and the name and address of each consignee.

18 **SECTION 288.** 139.08 (3) of the statutes is amended to read:

19 139.08 (3) POLICE POWERS. The department ~~of revenue~~ shall enforce and the  
20 duly authorized employees of the department shall have all necessary police powers  
21 to prevent violations of s. 134.65, and this subchapter and ch. 125.

22 **SECTION 289.** 139.08 (4) of the statutes is amended to read:

23 139.08 (4) INSPECTION FOR ENFORCEMENT. Duly authorized employees of the  
24 department of justice and the department of revenue and any sheriff, police officer,  
25 marshal, or constable, within their respective jurisdictions, may at all reasonable

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1 hours enter any licensed premises, and examine the books, papers, and records of  
2 any brewer, brewpub, manufacturer, bottler, rectifier, wholesaler, or retailer, for the  
3 purpose of inspecting the same and determining whether the tax and fee imposed by  
4 ss. 139.01 to 139.25 have been fully paid, and may inspect and examine, according  
5 to law, any premises where fermented malt beverages or intoxicating liquors are  
6 manufactured, sold, exposed for sale, possessed, or stored, for the purpose of  
7 inspecting the same and determining whether the tax imposed by ss. 139.01 to  
8 139.25 has been fully paid, and whether ss. 139.01 to 139.25 ~~and ch. 125~~ are being  
9 complied with. Any refusal to permit such examination of such premises is sufficient  
10 grounds under s. 125.12 for revocation or suspension of any license or permit granted  
11 for the sale of any fermented malt beverages or intoxicating liquors and is punishable  
12 under s. 139.25 (10).

13 **SECTION 290.** 139.08 (5) of the statutes is created to read:

14 139.08 (5) RETENTION OF CERTAIN RECORDS. Notwithstanding any retention  
15 schedule established for the department's records under s. 16.61, the department  
16 shall retain for 3 years after receipt by the department all reports submitted to the  
17 division under ss. 125.22 (2) and 125.23 (5) and all records received by the division  
18 relating to these reports.

19 **SECTION 291.** 139.11 (1) of the statutes is amended to read:

20 139.11 (1) PRESERVATION OF RECORDS. Every person who manufactures,  
21 rectifies, distributes, imports, transports, stores, warehouses, or sells intoxicating  
22 liquor or fermented malt beverages shall keep complete and accurate records of all  
23 such liquor or malt beverages purchased, sold, manufactured, rectified, brewed,  
24 fermented, distilled, produced, stored, warehoused, imported, or transported within  
25 this state. Such records shall be of a kind and in the form prescribed by the secretary

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1 and shall be safely preserved to ensure accessibility for inspection by the secretary  
2 or by the division as provided in s. 125.025 (3). A person required to keep records  
3 under this subsection may keep such records in electronic form only. Any common  
4 carrier or fulfillment house required to submit reports under s. 125.22 or 125.23 shall  
5 maintain, for 3 years, all records related to the reports or otherwise required to be  
6 kept under this subsection.

7 **SECTION 292.** 139.11 (4) (a) 2. of the statutes is amended to read:

8 139.11 (4) (a) 2. A current list, available on paper and on the department's  
9 Internet site, providing detailed information regarding every person issued a  
10 wholesalers permit under s. 125.28, brewers permit under s. 125.29, brewpub permit  
11 under s. 125.295, or out-of-state shippers permit under s. 125.30. The information  
12 provided under this subdivision shall include the name and address of the permit  
13 holder and the date on which the ~~department~~ division issued the permit.

14 **SECTION 293.** 139.11 (4) (b) 2. of the statutes is amended to read:

15 139.11 (4) (b) 2. A current and regularly updated list, made available on paper  
16 and on the department's Internet website, of permit holders that minimally includes  
17 detailed information on the name, address, contact person, and date of permit  
18 issuance for every common carrier permit issued under s. 125.22, fulfillment house  
19 permit issued under s. 125.23, manufacturer's and rectifier's permit issued under s.  
20 125.52, winery permit issued under s. 125.53, direct wine shipper's permit issued  
21 under s. 125.535, wholesaler's permit issued under s. 125.54, and out-of-state  
22 shipper's permit issued under s. 125.58.

23 **SECTION 294.** 139.22 of the statutes is amended to read:

24 **139.22 Confiscation.** If a duly authorized employee of the department of  
25 revenue or the department of justice or any sheriff, police officer, marshal, or

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1 constable, within his or her respective jurisdiction, discovers any fermented malt  
2 beverages upon any premises other than the premises of a brewer, brewpub, or  
3 bottler, or any intoxicating liquor upon any premises other than the premises of a  
4 manufacturer, rectifier, winery, or wholesaler, and upon which the tax has not been  
5 paid or which was possessed, kept, stored, manufactured, sold, distributed, or  
6 transported in violation of ss. 139.01 to 139.25 and ~~ch. 125~~, the employee or any such  
7 officer may immediately seize the fermented malt beverages or intoxicating liquors.  
8 Any such fermented malt beverages or intoxicating liquors so seized shall be held  
9 transferred by the department of revenue to the division and disposed of under s.  
10 125.14 (2) (e).

11 **SECTION 295.** 139.25 (9) of the statutes is amended to read:

12 139.25 (9) FAILURE TO KEEP RECORDS. Failure to comply with s. 139.11 (1) shall  
13 carry a penalty of revocation by the ~~secretary of revenue~~ division of the license or  
14 permit.

15 **SECTION 296.** 185.043 (2) of the statutes is amended to read:

16 185.043 (2) If the cooperative is formed for purposes of operating as a small  
17 ~~winery~~ cooperative wholesaler under s. 125.545, 3 or more individuals, at least one  
18 of whom must be a resident and all of which must be owners of small wineries or  
19 small manufacturers certified by the division of alcohol beverages in the department  
20 of revenue under s. 125.545 (6) (a), may form a cooperative by signing,  
21 acknowledging, and filing articles. Membership in a cooperative formed under this  
22 subsection is limited to small wineries or small manufacturers certified by the  
23 ~~department of revenue~~ division of alcohol beverages under s. 125.545 (6) (a).

24 **SECTION 297.** 227.52 (1) of the statutes is amended to read:

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1           227.52 (1) Decisions of the department of revenue ~~other than decisions relating~~  
2           to alcohol beverage permits issued under ch. 125.

3           **SECTION 298.** 230.08 (2) (e) 11. of the statutes is amended to read:

4           230.08 (2) (e) 11. Revenue — ~~7~~ 8.

5           **SECTION 299.** 346.657 (1) of the statutes is amended to read:

6           346.657 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63  
7           (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,  
8           or s. 940.09 where the offense involved the use of a vehicle, it shall impose a safe ride  
9           program surcharge under ch. 814 in an amount of \$50 \$75 in addition to the fine or  
10          forfeiture, plus costs, fees, and other surcharges imposed under ch. 814.

11          **SECTION 300.** Tax 8.87 of the administrative code is repealed.

12          **SECTION 301. Nonstatutory provisions.**

13          (1) TRANSFER OF ALCOHOL BEVERAGES REGULATION AND ENFORCEMENT FUNCTIONS.

14          (a) *Definitions.* In this subsection:

15           1. “Department” means the department of revenue.

16           2. “Division” means the division of alcohol beverages in the department.

17           3. “Secretary” means the secretary of revenue.

18          (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
19          liabilities of the department primarily related to alcohol beverages regulation and  
20          enforcement under ch. 125, as determined by the secretary, become the assets and  
21          liabilities of the division.

22          (c) *Tangible personal property.* On the effective date of this paragraph, all  
23          tangible personal property, including records, of the department that is primarily  
24          related to alcohol beverages regulation and enforcement under ch. 125, as  
25          determined by the secretary, is transferred to the division.

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1           (d) *Contracts.* All contracts entered into by the department in effect on the  
2 effective date of this paragraph that are primarily related to alcohol beverages  
3 regulation and enforcement under ch. 125, as determined by the secretary, remain  
4 in effect and are transferred to the division. The division shall carry out any  
5 obligations under those contracts unless modified or rescinded by the division to the  
6 extent allowed under the contract.

7           (e) *Position and employee transfers.* On the effective date of this paragraph, all  
8 positions, and the incumbent employees who hold those positions, in the department  
9 with duties that are primarily related to alcohol beverages regulation and  
10 enforcement under ch. 125, as determined by the secretary, are transferred to the  
11 division.

12           (f) *Employee status.* Employees transferred under par. (e) have all the rights  
13 and the same status under ch. 230 in the division that they enjoyed in the  
14 department immediately before the transfer. Notwithstanding s. 230.28 (4), no  
15 employee transferred under par. (e) who has attained permanent status in class is  
16 required to serve a probationary period.

17           (g) *Rules and orders.* All rules promulgated by the department that relate to  
18 alcohol beverages regulation and enforcement under ch. 125 and that are in effect  
19 on the effective date of this paragraph remain in effect until their specified expiration  
20 dates or until amended or repealed by the division. All orders issued by the  
21 department that relate to alcohol beverages regulation and enforcement under ch.  
22 125 and that are in effect on the effective date of this paragraph remain in effect until  
23 their specified expiration dates or until modified or rescinded by the division.

24           (h) *Pending matters.* Any matter pending with the department on the effective  
25 date of this paragraph that is primarily related to alcohol beverages regulation and



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1 enforcement under ch. 125, as determined by the secretary, is transferred to the  
2 division. All materials submitted to or actions taken by the department with respect  
3 to the pending matters are considered as having been submitted to or taken by the  
4 division.

5 (i) *Fees.* All fees established by the department related to permits issued under  
6 ch. 125 that are in effect on the day before the effective date of this paragraph shall  
7 remain in effect until modified or rescinded by the division.

8 (j) *Secretary to develop plan for orderly transfer.* The secretary shall develop  
9 a plan for an orderly transfer from the department to the division and shall resolve  
10 any disagreement between the department and the division with respect to any  
11 matter specified in this subsection. The secretary's plan for orderly transfer shall  
12 include the transfer of positions under par. (e) plus the transfer of a sufficient number  
13 of currently vacant authorized FTE positions in the department to total 20.0 FTE  
14 positions in the division as well as initial staffing assignments in the division.

15 (2) **TRANSITION; PERMIT ISSUER.** On the effective date of this subsection, any  
16 permit issued by the department of revenue under ch. 125 prior to the effective date  
17 of this subsection shall be considered to have been issued by the division of alcohol  
18 beverages.

19 (3) **EXPIRATION OF RETAIL LICENSES HELD BY PRODUCERS.** Notwithstanding s.  
20 125.04 (11) (b), any retail license issued under ch. 125 to a winery or a brewer shall  
21 expire on the effective date of this subsection and the license shall be nonrenewable.

22 (4) **RETAIL CLOSING HOUR EXCEPTION FOR 2024 NATIONAL POLITICAL CONVENTION.**

23 (a) In this subsection:

**ASSEMBLY BILL 304****SECTION 301**

1           1. “Convention period” means the period beginning on the first day of a national  
2 political convention held in Milwaukee in the summer of 2024 until the day after the  
3 convention’s last day.

4           2. “Municipality” has the meaning given in s. 125.02 (11).

5           3. “Southeast Wisconsin municipality” means a municipality any part of which  
6 is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha,  
7 Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du  
8 Lac County.

9           (b) 1. Notwithstanding s. 125.32 (3) (a), but subject to subds. 2. and 3., during  
10 the convention period, the closing hours for premises operating under a Class “B”  
11 license issued by a southeast Wisconsin municipality shall be between 4 a.m. and 6  
12 a.m.

13           2. A southeast Wisconsin municipality may establish a process to designate,  
14 and may so designate, any licensee holding a license issued by the southeast  
15 Wisconsin municipality and to which subd. 1. would otherwise apply as ineligible or  
16 disqualified for the extended closing hour specified in subd. 1.

17           3. Notwithstanding s. 125.32 (3) (d), a southeast Wisconsin municipality may,  
18 by ordinance adopted after the effective date of this subdivision, opt out of subd. 1.  
19 and retain during the convention period the closing hours specified in s. 125.32 (3)  
20 (a).

21           (c) 1. Notwithstanding s. 125.68 (4) (c) 1., but subject to subds. 2. and 3., during  
22 the convention period, the closing hours for premises operating under a “Class B” or  
23 “Class C” license issued by a southeast Wisconsin municipality shall be between 4  
24 a.m. and 6 a.m.

**ASSEMBLY BILL 304**

1           2. A southeast Wisconsin municipality may establish a process to designate,  
2           and may so designate, any licensee holding a license issued by the southeast  
3           Wisconsin municipality and to which subd. 1. would otherwise apply as ineligible or  
4           disqualified for the extended closing hour specified in subd. 1.

5           3. Notwithstanding s. 125.68 (4) (c) 5., a southeast Wisconsin municipality may,  
6           by ordinance adopted after the effective date of this subdivision, opt out of subd. 1.  
7           and retain during the convention period the closing hours specified in s. 125.68 (4)  
8           (c) 1.

9           (d) 1. Notwithstanding ss. 125.29 (8) (a), 125.52 (5) (a), and 125.53 (4) (a), but  
10           subject to subds. 2. and 3., during the convention period, the closing hours for a  
11           full-service retail outlet under s. 125.29 (7), 125.52 (4), or 125.53 (3), and the  
12           on-premises sales hours on brewery premises, manufacturing or rectifying  
13           premises, and winery premises, operating in a southeast Wisconsin municipality  
14           shall be between 4 a.m. and 6 a.m.

15           2. A southeast Wisconsin municipality may establish a process to designate,  
16           and may so designate, premises in the municipality of any permittee under s. 125.29,  
17           125.52, or 125.53 to which subd. 1. would otherwise apply as ineligible or disqualified  
18           for the extended closing hour specified in subd. 1.

19           3. A southeast Wisconsin municipality may, by ordinance adopted after the  
20           effective date of this subdivision, opt out of subd. 1. and retain during the convention  
21           period the closing hours specified in ss. 125.29 (8) (a), 125.52 (5) (a), and 125.53 (4)  
22           (a), as unaffected by par. (b).

**SECTION 302. Initial applicability.**

23           (1) SAFE RIDE SURCHARGE. The treatment of s. 346.657 (1) first applies to  
24           violations committed on the effective date of this subsection.  
25

