

State of Wisconsin



2021 Assembly Bill 277

Date of enactment: **May 21, 2021**
Date of publication*: **May 22, 2021**

2021 WISCONSIN ACT 43

AN ACT *to amend* 125.02 (13), 125.27 (4), 125.29 (3) (j), 125.295 (1) (i) and 125.51 (5) (e); and *to create* 125.02 (20d), 125.27 (6), 125.33 (14), 125.51 (5) (g) and 125.69 (8) of the statutes; **relating to:** retail sales of alcohol beverages at the state fair park and creating a retail alcohol beverage permit issued by the State Fair Park Board.

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

SECTION 1. 125.02 (13) of the statutes is amended to read:

125.02 (13) "Permit" Except as provided in ss. 125.27 (6) and 125.51 (5) (g), "permit" means any permit issued by the department under this chapter.

SECTION 2. 125.02 (20d) of the statutes is created to read:

125.02 (20d) "State fair park" means the property, buildings, and other improvements under the management of the state fair park board located in the city of West Allis and the city of Milwaukee bounded by I 94 to the north, S. 76th Street to Pierce Street to S. 77th Street to the east, W. Greenfield Avenue to the south, and S. 84th Street to the west.

SECTION 3. 125.27 (4) of the statutes is amended to read:

125.27 (4) ADDITIONAL SALES AUTHORITY FOR PERMITTEES. Notwithstanding subs. (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), (2), or (3), a Class "B" permit issued under this section also authorizes the permittee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds for consumption

at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the Class "B" permit are located in Ozaukee County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the premises covered by the Class "B" permit. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a permittee approved by the Ozaukee County board under this subsection and such an approved permittee may transport fermented malt beverages from the premises covered by the permit to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply to a permit issued under sub. (6).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 4. 125.27 (6) of the statutes is created to read:

125.27 (6) PERMITS FOR STATE FAIR PARK. (a) The state fair park board may issue Class “B” permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this subsection. The state fair park board’s notice of meeting under s. 19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

(b) A permit issued under this subsection authorizes the retail sale of fermented malt beverages on the premises covered by the permit, for consumption anywhere at the state fair park.

(c) A permit issued under this subsection may describe as premises under the permit multiple locations at the state fair park.

(d) A person holding a permit under this subsection is subject to any requirements or conditions imposed upon the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

(e) Persons holding a permit under this subsection may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(f) Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this subsection.

(g) A permit issued under this subsection shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this subsection in the amount of 50 percent of the annual fee for a permit issued under sub. (1). All fees received under this paragraph shall be credited to the appropriation account under s. 20.190 (1) (h).

(h) 1. The state fair park board shall establish standards, consistent with par. (a), and procedures for renewal of a permit issued under this subsection.

2. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a permit issued under this subsection. A suspension, revocation, or refusal to renew a permit under this subsection is a contested case under ch. 227.

(i) Except as otherwise provided in this subsection, all sections of this chapter relating to Class “B” licenses apply to Class “B” permits issued under this subsection.

(j) The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this subsection.

(k) A municipality may not issue a Class “B” license for premises within the state fair park. Except as provided in ss. 125.29 (3) (j) and 125.295 (1) (i), no person may sell fermented malt beverages at retail at the state fair park unless the person holds a permit issued under this subsection, and no brewer, brewpub, or wholesaler may sell fermented malt beverages to a person for resale at the state fair park unless the person holds a permit issued under this subsection.

SECTION 5. 125.29 (3) (j) of the statutes is amended to read:

125.29 (3) (j) The ownership, maintenance, or operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state. A brewer may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewer to make such sales.

SECTION 6. 125.295 (1) (i) of the statutes is amended to read:

125.295 (1) (i) Notwithstanding s. 125.33 (1), the ownership, maintenance, and operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state if the fermented malt beverages have been manufactured by the brewpub. A brewpub may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewpub to make such sales.

SECTION 7. 125.33 (14) of the statutes is created to read:

125.33 (14) SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS. It is not a violation of this chapter for a brewer, brewpub, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail Class “B” license, the sponsorship exception is strictly applied only to the state fair park location.

SECTION 8. 125.51 (5) (e) of the statutes is amended to read:

125.51 (5) (e) *Additional sales authority for permittees.* Notwithstanding pars. (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a), (b), (c), or (d), a “Class B” permit issued under this subsection also authorizes the permittee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving

the permittee and if the premises covered by the “Class B” permit are located in Ozaukee County. Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the “Class B” permit. This paragraph does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply to a permit issued under par. (g).

SECTION 9. 125.51 (5) (g) of the statutes is created to read:

125.51 (5) (g) *Permits for state fair park.* 1. The state fair park board may issue “Class B” permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this paragraph. The state fair park board’s notice of meeting under s. 19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

2. A permit issued under this paragraph authorizes the retail sale of intoxicating liquor, by the glass and not in the original package or container, on the premises covered by the permit, for consumption anywhere at the state fair park.

3. A permit issued under this paragraph may describe as premises under the permit multiple locations at the state fair park.

4. A permit issued under this paragraph to a person affiliated with a winery trade association may also authorize the permittee to make retail sales, in original packages or containers, for consumption away from the state fair park, of wine manufactured by members of the winery trade association.

5. A person holding a permit under this paragraph is subject to any requirements or conditions imposed upon

the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

6. Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this paragraph.

7. Permits issued under this paragraph are not subject to a quota under sub. (4).

8. A permit issued under this paragraph shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this paragraph in the amount of 50 percent of the annual fee for a permit issued under par. (a). All fees received under this subdivision shall be credited to the appropriation account under s. 20.190 (1) (h).

9. a. The state fair park board shall establish standards, consistent with subd. 1., and procedures for renewal of a permit issued under this paragraph.

b. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a permit issued under this paragraph. A suspension, revocation, or refusal to renew a permit under this paragraph is a contested case under ch. 227.

10. Except as otherwise provided in this paragraph, all sections of this chapter relating to “Class B” licenses apply to “Class B” permits issued under this paragraph.

11. The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this paragraph.

12. A municipality may not issue a “Class B” license for premises within the state fair park. No person may sell intoxicating liquor at retail at the state fair park unless the person holds a permit issued under this paragraph.

SECTION 10. 125.69 (8) of the statutes is created to read:

125.69 (8) **SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS.** It is not a violation of this chapter for a manufacturer, rectifier, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail “Class B” license, this subsection is strictly applied only to the state fair park location.