



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1604/1
ARG:wlj:jf

2015 ASSEMBLY BILL 38

February 17, 2015 – Introduced by Representatives KNUDSON, CZAJA, KOOYENGA, MURPHY, MURSAU, SPIROS, DANOU and OHNSTAD, cosponsored by Senator HARSDORF. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to amend** 125.07 (3) (a) 3., 125.32 (3) (c) and 125.68 (4) (c) 4.; and **to**
2 **create** 125.02 (11m) and 125.32 (3m) (i) of the statutes; **relating to:** the
3 issuance of retail alcohol beverage licenses for premises on which another
4 business is conducted and the presence of underage persons on premises
5 operating under a retail alcohol beverage license.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class “B” license authorizes the retail sale of fermented malt beverages (beer) for consumption on or off the premises. A Class “B” license is also a prerequisite to the issuance of a “Class B” license, which authorizes the sale of intoxicating liquor (wine and distilled spirits).

Current law generally prohibits the issuance of a Class “B” license for any premises where another business is conducted. However, there are exceptions to this prohibition, including for hotels, restaurants, bowling centers, and movie theaters.

This bill creates an additional exception to this prohibition for a painting studio. A painting studio is defined in the bill as an establishment that is primarily engaged in the business of providing instruction in the art of painting and that offers customers the opportunity to purchase food and beverages for consumption while they paint.

Under current law, a person who is under 21 years of age and not accompanied by his or her parent, guardian, or spouse who is at least 21 years of age

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(unaccompanied underage person) may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued (licensed premises). Current law also provides for various exceptions to this prohibition. Among the exceptions, an unaccompanied underage person may enter or be on licensed premises that is a hotel, bowling center, movie theater, or center for the visual or performing arts.

This bill creates an additional exception allowing an unaccompanied underage person to enter or be on licensed premises that is a painting studio.

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

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

1 **SECTION 1.** 125.02 (11m) of the statutes is created to read:

2 125.02 **(11m)** "Painting studio" means an establishment that is primarily
3 engaged in the business of providing to customers instruction in the art of painting
4 and that offers customers the opportunity to purchase food and beverages for
5 consumption while they paint.

6 **SECTION 2.** 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, service stations, vessels, cars operated by
11 any railroad, regularly established athletic fields, outdoor volleyball courts that are
12 contiguous to a licensed premises, stadiums, public facilities as defined in s. 125.51
13 (5) (b) 1. d. which are owned by a county or municipality or centers for the visual or
14 performing arts.

15 **SECTION 3.** 125.32 (3) (c) of the statutes is amended to read:

16 125.32 **(3)** (c) Hotels and restaurants the principal business of which is the
17 furnishing of food and lodging to patrons, bowling centers, movie theaters, painting

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1 studios, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf
2 clubhouses may remain open for the conduct of their regular business but may not
3 sell fermented malt beverages during the hours specified in par. (a).

4 **SECTION 4.** 125.32 (3m) (i) of the statutes is created to read:

5 125.32 **(3m)** (i) A painting studio.

6 **SECTION 5.** 125.68 (4) (c) 4. of the statutes is amended to read:

7 125.68 **(4)** (c) 4. Hotels and restaurants the principal business of which is the
8 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
9 painting studios, indoor horseshoe-pitching facilities, curling clubs, golf courses and
10 golf clubhouses may remain open for the conduct of their regular business but may
11 not sell intoxicating liquor during the closing hours under subd. 1. or, with respect
12 to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

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(END)