

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 217**

August 28, 2001 – Offered by STATE AFFAIRS.

1 **AN ACT** *to amend* 125.52 (1) and 125.68 (2); and *to create* 125.52 (1) (c) 1., 125.52
2 (1) (c) 2. and 125.52 (1) (c) 3. of the statutes; **relating to:** sales of fruit-based
3 intoxicating liquor for consumption off the premises where manufactured or
4 rectified, and taste samples for consumption on the premises.

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

5 **SECTION 1.** 125.52 (1) of the statutes is amended to read:
6 125.52 (1) AUTHORIZED ACTIVITIES. (a) The department shall issue
7 manufacturers' and rectifiers' permits which authorize the manufacture or
8 rectification, respectively, of intoxicating liquor on the premises covered by the
9 permit. A person holding a manufacturer's or rectifier's permit may manufacture,
10 bottle or wholesale wine, pursuant to the terms of the permit, without procuring a
11 winery permit.

1 **(b)** A manufacturer’s or rectifier’s permit entitles the permittee to sell
2 intoxicating liquor to wholesalers from the premises described in the permit.
3 Holders of rectifiers’ permits may also sell intoxicating liquor rectified by the
4 permittee to retailers without any other permit. No sales may be made for
5 consumption on the premises of the permittee.

6 **(d)** Possession of a permit under this section does not authorize the permittee
7 to sell tax-free intoxicating liquor and wines brought into this state under s. 139.03
8 (5).

9 **SECTION 2.** 125.52 (1) (c) 1. of the statutes is created to read:

10 125.52 **(1)** (c) 1. Subject to subd. 3., a manufacturer’s or rectifier’s permit
11 authorizes the retail sale from the premises covered by the permit to a person who
12 does not hold a license or permit under this chapter, for consumption off the premises
13 where sold, of intoxicating liquor that is manufactured or rectified on the premises
14 and that is manufactured or rectified exclusively from fermented fruit juice. The
15 department may prescribe additional regulations for the sale of intoxicating liquor
16 under this subdivision, if the additional regulations do not conflict with the
17 requirements applicable to holders of “Class B” licenses.

18 **SECTION 3.** 125.52 (1) (c) 2. of the statutes is created to read:

19 125.52 **(1)** (c) 2. Subject to subd. 3. and notwithstanding s. 125.09 (1), a
20 manufacturer’s or rectifier’s permit also authorizes the provision from the premises
21 covered by the permit of taste samples, for consumption on the premises where
22 provided, of intoxicating liquor that is manufactured or rectified on the premises and
23 that is manufactured or rectified exclusively from fermented fruit juice. A permittee
24 may only provide taste samples under this subdivision between the hours of 10 a.m.
25 and 7 p.m. No permittee may provide more than 3 taste samples per day to any one

1 person, and each taste sample shall be provided separately and may not exceed
2 one-half fluid ounce. Any taste sample provided under this subdivision shall be
3 provided free of any direct or indirect charge. Notwithstanding s. 125.07 (1) (a) 1.,
4 no permittee may provide taste samples under this subdivision to any underage
5 person.

6 **SECTION 4.** 125.52 (1) (c) 3. of the statutes is created to read:

7 125.52 (1) (c) 3. This paragraph applies only to a permittee that annually
8 produces no more than 25,000 liters of intoxicating liquor manufactured or rectified
9 exclusively from fermented fruit juice on the premises covered by the permit.

10 **SECTION 5.** 125.68 (2) of the statutes is amended to read:

11 125.68 (2) OPERATORS' LICENSES; "CLASS A," "CLASS B" ~~OR,~~ "CLASS C," AND OTHER
12 PREMISES. Except as provided under s. 125.07 (3) (a) 10., no premises operated under
13 a "Class A" or "Class C" license or under a "Class B" license or permit may be open
14 for business, and no person who holds a manufacturer's or rectifier's permit may
15 allow the sale or provision of taste samples of intoxicating liquor on the
16 manufacturing or rectifying premises as provided in s. 125.52 (1) (c) 1. or 2., unless
17 there is upon the premises either the licensee or permittee, the agent named in the
18 license or permit if the licensee or permittee is a corporation or limited liability
19 company, or some person who has an operator's license and who is responsible for the
20 acts of all persons selling or serving any intoxicating liquor to customers. An
21 operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside
22 the municipality that issues it. For the purpose of this subsection, any person
23 holding a manager's license issued under s. 125.18 or any member of the licensee's
24 or permittee's immediate family who has attained the age of 18 shall be considered
25 the holder of an operator's license. No person, including a member of the licensee's

1 or permittee's immediate family, other than the licensee, permittee or agent may
2 serve or sell alcohol beverages in any place operated under a "Class A" or "Class C"
3 license or under a "Class B" license or permit unless he or she has an operator's
4 license or is at least 18 years of age and is under the immediate supervision of the
5 licensee, permittee or agent or a person holding an operator's license, who is on the
6 premises at the time of the service.

7 **(END)**