

2005 ASSEMBLY BILL 1007

February 10, 2006 – Introduced by Representatives PETTIS, JENSEN, ALBERS, BIES, GUNDERSON, HAHN, JESKEWITZ, PRIDEMORE, SHILLING, TOWNSEND, VOS and VRUWINK, cosponsored by Senators KANAVAS, GROTHMAN and JAUCH. Referred to Committee on State Affairs.

1 **AN ACT to amend** 125.25 (1), 125.28 (1) (a), 125.29 (3) and 125.32 (6) (a); and **to**
2 **create** 125.33 (12) of the statutes; **relating to:** the provision of taste samples
3 of fermented malt beverages on certain retail premises.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class “A” license authorizes the license holder to sell fermented malt beverages (beer) at retail, in original packages, containers, and bottles, for consumption only off the licensed premises.

Various provisions of current law also authorize the provision of taste samples under specific circumstances. A brewery may, without any additional license or permit, provide beer free of charge to customers, visitors, and employees on the brewery premises if the beer is consumed on the brewery premises and intoxicating liquor is not also provided or consumed. A winery holding a winery permit may, under the permit, offer on the winery premises taste samples of wine manufactured on the premises to persons who have attained the legal drinking age. The holder of a “Class A” license (authorizing the retail sale of intoxicating liquor for consumption off the premises in original packages and containers) may, without any additional license or permit, provide two wine taste samples of not more than three fluid ounces each, free of charge, for consumption on the licensed premises between the hours of 10 a.m. and 6 p.m.

Under this bill, a Class “A” license authorizes a Class “A” licensee to provide, free of charge, up to two taste samples per day of beer of not more than three fluid

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ounces each, for consumption on the Class “A” premises, to customers and visitors who have attained the legal drinking age. The same limitations that apply to the retail sale of beer also apply to the provision of taste samples.

The bill also allows a brewer, brewer’s representative, or beer wholesaler to provide, free of charge, on Class “A” premises, beer taste samples to any person who has attained the legal drinking age for consumption on these premises during hours in which the Class “A” licensee is authorized to sell beer. Any such taste samples must be purchased by the brewer, brewer’s representative, or wholesaler from the Class “A” licensee on whose premises the taste samples are provided.

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

1 **SECTION 1.** 125.25 (1) of the statutes, as affected by 2005 Wisconsin Act 103,
2 is amended to read:

3 125.25 (1) Every municipal governing body may issue Class “A” licenses for the
4 sale of fermented malt beverages from premises within the municipality. Subject to
5 s. 125.34 (5) and (6), a Class “A” license authorizes retail sales of fermented malt
6 beverages for consumption off the premises where sold and in original packages,
7 containers, and bottles. A Class “A” license also authorizes the licensee to provide,
8 free of charge, to customers and visitors who have attained the legal drinking age
9 fermented malt beverages taste samples that are not in original packages,
10 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on
11 the Class “A” premises. No Class “A” licensee may provide more than 2 taste samples
12 per day to any one person. Any provision of this chapter applicable to retail sales of
13 fermented malt beverages by a Class “A” licensee also applies to the provision of taste
14 samples, free of charge, of fermented malt beverages by a Class “A” licensee. A
15 license may be issued after July 1. That license shall expire on the following June
16 30.

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1 **SECTION 2.** 125.28 (1) (a) of the statutes, as affected by 2005 Wisconsin Act ...
2 (Assembly Bill 775), is amended to read:

3 125.28 **(1)** (a) Subject to par. (b), every municipal governing body may issue
4 licenses to wholesalers for the sale of fermented malt beverages from premises
5 within the municipality, which premises shall comply with the requirements under
6 s. 125.34 (2). Subject to s. 125.34, a wholesaler's license authorizes sales of fermented
7 malt beverages only in original packages or containers to retailers or wholesalers,
8 not to be consumed in or about the wholesaler's premises. A wholesaler may also
9 provide taste samples as authorized under s. 125.33 (12).

10 **SECTION 3.** 125.29 (3) of the statutes, as affected by 2005 Wisconsin Act 103,
11 is amended to read:

12 125.29 **(3)** ACTIVITIES. Subject to s. 125.34 (2), a brewer may manufacture,
13 possess and store fermented malt beverages on the brewery premises and transport
14 fermented malt beverages between the brewery premises and any depot or
15 warehouse maintained by the brewer for which the brewer has a wholesaler's license
16 issued under s. 125.28. A brewer or individual representing a brewer may also
17 provide taste samples as authorized under s. 125.33 (12).

18 **SECTION 4.** 125.32 (6) (a) of the statutes is amended to read:

19 125.32 **(6)** (a) Except as provided in s. 125.33 (2) (o) or (12) or 125.70, no person
20 may possess on the premises covered by a retail or wholesale fermented malt
21 beverages license or permit any alcohol beverages not authorized by law for sale on
22 the premises.

23 **SECTION 5.** 125.33 (12) of the statutes is created to read:

24 125.33 **(12)** PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding
25 s. 125.34 (6) (a), a brewer, individual representing a brewer, or fermented malt

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1 beverages wholesaler may provide, free of charge, on Class “A” 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. 125.32 (3) (b) and (d) to sell fermented malt beverages.
5 No brewer, individual representing a brewer, or fermented malt beverages
6 wholesaler may provide as taste samples under this subsection any fermented malt
7 beverages that the brewer, individual representing the brewer, or wholesaler did not
8 purchase from the Class “A” licensee on whose premises the taste samples are
9 provided.

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(END)