

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/27/2006

Received By: agary

Wanted: Soon

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Alan Colvin (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pettis@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Taste samples of fermented malt beverages by Class "A" licensees and by brewers and wholesalers on Class "A" premises

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/30/2006	jdye 01/30/2006		_____			
/1			rschluet 01/30/2006	_____	lnorthro 01/30/2006	lnorthro 02/07/2006	

FE Sent For: *None*

<END>

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/?	agary	1/30 jld					

FE Sent For:

<END>

1/27/06

He w / Luke

- wants rep. Pettis have access to it;  
release to them

**Gary, Aaron**

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**From:** Colvin, Alan  
**Sent:** Friday, January 27, 2006 10:48 AM  
**To:** Gary, Aaron  
**Cc:** Liedl, Kimberly  
**Subject:** FW: Beer tasting Draft  
**Attachments:** Redraft of LRB 4290-P1.pdf

Aaron,

Could you please make these changes.

---

**From:** Michael Welsh [mailto:mike.hovenconsulting@tds.net]  
**Sent:** Friday, January 27, 2006 10:47 AM  
**To:** Colvin, Alan  
**Subject:** Beer tasting Draft

Al,

Per our conversation, please forward this memo (RE: changes to the beer tasting draft) to Aaron Gary at LRB.

Thanks for all of you help!

**Michael Welsh**  
Government Affairs Specialist  
Hoven Consulting, Inc.  
44 E. Mifflin St, Suite 600  
Madison, WI 53703

Office: (608) 310-8833  
Fax: (608) 310-8834  
[mike.hovenconsulting@tds.net](mailto:mike.hovenconsulting@tds.net)

## Redraft of LRB-4290/P1

Under LRB-4290/P1 as currently drafted, an establishment holding a Class "A" license (which allows them to sell beer in original packaging and containers for consumption off premises) would be authorized to provide—free of charge—up to two 6-ounce samples of beer per day to customers of legal drinking age for consumption on the retailer's premises.

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Parties interested in the legislation would like to see the scope of the proposal slightly expanded. In addition to the provisions already included in the bill, we would like to see the following language inserted into the bill:

- *Allow a brewer (manufacturer), representative of the manufacturer (third party contracted with by brewer) or a beer wholesaler to conduct sampling operations at a Class "A" license establishment; and*
- *All beer sampled during a sampling operation conducted by a brewer (manufacturer), its representative or a beer wholesaler at a Class "A" license establishment must be purchased from that Class "A" licensee.*

In addition please change the size of beer samples allowed under the bill from 6-ounces to 3-ounces.

Soon

LRB-4290/P1  
ARG:ldj

4499/1

stays  
R M R

in 1/30

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Note

on certain retail premises

Reger

1 AN ACT to amend 125.25 (1) of the statutes; relating to: the provision of taste  
2 samples by certain retail licensees of fermented malt beverages.

**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 ~~six~~ three fluid 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.

insert  
ANAL ✓

**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 6 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.

(END)

17  
insert  
2-17 ✓

D-Note

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4499/P1ins  
ARG:.....

**INSERT ANAL:**

④ 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.

**INSERT 2-17:**

SECTION 1. 125.28 (1) (a) of the statutes, as affected by 2005 Wisconsin Acts 103 and ... (2005 Assembly Bill 775), is amended to read:

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

SECTION 2. 125.29 (3) of the statutes, as affected by 2005 Wisconsin Act 103, is amended to read:

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

INS 2-17 cont

**SECTION 3.** 125.32 (6) (a) of the statutes is amended to read:

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

History: 1981 c. 79; 1983 a. 27, 74, 192, 452; 1985 a. 28, 33, 321, 317; 1987 a. 27, 121; 1989 a. 253; 1991 a. 28, 39, 315; 1993 a. 112; 1995 a. 320.

**SECTION 4.** 125.33 (12) of the statutes is created to read:

125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding s. 125.34 (6) (a), a brewer, individual representing a brewer, or fermented malt beverages wholesaler may provide, free of charge, on Class "A" premises, taste samples of fermented malt beverages to any person who has attained the legal drinking age for consumption on the premises during hours in which the Class "A" licensee is authorized under s. 125.32 (3) (b) and (d) to sell fermented malt beverages. No brewer, individual representing a brewer, or fermented malt beverages wholesaler may provide as taste samples under this subsection any fermented malt beverages that the brewer, individual representing the brewer, or wholesaler did not purchase from the Class "A" licensee on whose premises the taste samples are provided.

(end ins 2-17)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4499/P1dn

ARG:.....  
^

Ed

ATTN: Alan Colvin

Please review the attached draft carefully to ensure that it is consistent with your intent.

I note that created s. 125.33 (12) is broader than s. 125.33 (2) (o) and (p) (see also s. 125.70) and broader than the taste sample language in amended s. 125.25 (1) in the attached draft. I also included "closing hours" language. Please advise if the attached draft is not consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4499/P1dn  
ARG:jld:rs

January 30, 2006

ATTN: Alan Colvin

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Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**Northrop, Lori**

---

**From:** Liedl, Kimberly  
**Sent:** Tuesday, February 07, 2006 12:33 PM  
**To:** LRB.Legal  
**Subject:** LRB 05-4499/1 Topic: Taste samples of fermented malt beverages by Class

**Please send the bill jacket to 20 N, Rep Pettis' office**