



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 115**  
[2005 Assembly Bill 775]

**Beer Wholesalers in Adjoining  
States**

2005 Wisconsin Act 115, relating to warehouse requirements for beer wholesalers in adjoining states, modifies current law, as affected by 2005 Wisconsin Act 103. The provisions of Act 103 relate to the sale and distribution of beer.

Under current law, as affected by Act 103, every municipal governing body may issue licenses to wholesalers for the sale of beer from premises within the municipality. A wholesaler's license authorizes sales of beer only in original packages or containers to retailers or wholesalers.

Act 115 permits a municipal governing body to issue a beer wholesaler's license to a beer wholesaler who does not maintain any warehouse in Wisconsin but is licensed and maintains a warehouse in an adjoining state that: (a) allows beer wholesalers who are licensed in Wisconsin to deliver beer to retailers in that state without warehousing in that state; and (b) requires that all beer be first unloaded at and distributed from the warehouse of the licensed wholesaler in that state. The wholesaler's license must be issued by the governing body of the municipality in which some or part of the wholesaler's business is conducted in Wisconsin. Under the Act, the municipal governing body may issue a wholesaler's license to a wholesaler who meets these criteria and who is a natural person and not a Wisconsin resident or that is a corporation or limited liability company and has not appointed an agent in Wisconsin.

Current law, as affected by Act 103, also provides that no beer may be sold, transported, or delivered to a retailer unless, prior to the sale, transport, or delivery, the beer is first unloaded at and distributed from a wholesaler's warehouse premises. These premises must be in Wisconsin and must generally be physically separate from any retail premises or brewery premises.

Act 115 provides that this requirement does not apply to a wholesaler who is licensed in Wisconsin but maintains a warehouse in an adjoining state, as described above, with respect to beer transported and delivered from a warehouse in an adjoining state unless the wholesaler's warehouse in the adjoining state is located on premises in the adjoining state used for the manufacture of beer.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

***Effective Date:*** Act 115 took effect on March 16, 2006.

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AS:wu