

2007 SENATE BILL 63

February 23, 2007 – Introduced by Senators KREITLOW, BRESKE, CARPENTER, DARLING, ERPENBACH, GROTHMAN, HANSEN, JAUCH, KANAVAS, LASSA, LEHMAN, PLALE, SCHULTZ, LEIBHAM, TAYLOR, SULLIVAN and KEDZIE, cosponsored by Representatives NEWCOMER, RICHARDS, ALBERS, BERCEAU, FIELDS, GRIGSBY, HAHN, HINES, HONADEL, JESKEWITZ, KESSLER, F. LASEE, MOLEPSKE, MURSAU, MUSSER, A. OTT, PETERSEN, POCAN, PRIDEMORE, SINICKI, STONE, TOWNSEND, VAN ROY, VRUWINK, WOOD, YOUNG, MURTHA, KRAMER, NYGREN, GUNDERSON and J. OTT. Referred to Committee on Transportation, Tourism and Insurance.

1 **AN ACT to amend** 125.06 (13) (a), 125.25 (1), 125.29 (3) and 125.32 (6) (a); and
2 **to create** 125.28 (1) (d) and 125.33 (12) of the statutes; **relating to:** the
3 provision of taste samples of fermented malt beverages and wine on certain
4 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, which authorizes 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.

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Under this bill, a Class “A” license authorizes a Class “A” licensee to provide, free of charge, between the hours of 11 a.m. and 7 p.m., up to two taste samples per day of beer of not more than 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 otherwise apply to the retail sale of beer also apply to the provision of taste samples.

The bill also allows a brewer to provide, free of charge, on Class “A” premises with the consent of the Class “A” licensee, beer taste samples to any person who has attained the legal drinking age for consumption on these premises. Any such taste samples must be purchased by the brewer from the Class “A” licensee on whose premises the taste samples are provided. The same limitations that apply to Class “A” licensees providing taste samples also apply to brewers providing taste samples on Class “A” premises. A brewer may provide taste samples through an individual representing the brewer who is hired by the brewer and who is neither employed by nor an agent of a wholesaler.

Additionally, the bill modifies the hours during which a “Class A” licensee may provide wine taste samples, changing these hours from 10 a.m. to 6 p.m. to 11 a.m. to 7 p.m.

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

1 **SECTION 1.** 125.06 (13) (a) of the statutes is amended to read:

2 125.06 **(13)** (a) The provision of wine taste samples of not more than 3 fluid
3 ounces each, free of charge, by a “Class A” licensee to customers and visitors for
4 consumption on the premises. No “Class A” licensee may provide more than 2 taste
5 samples per day to any one person. This subsection applies only between the hours
6 of ~~10~~ 11 a.m. and ~~6~~ 7 p.m. Notwithstanding s. 125.07 (1) (a) 1., no “Class A” licensee
7 may provide taste samples under this subsection to any underage person. No “Class
8 A” licensee may provide as taste samples under this subsection wine that the “Class
9 A” licensee did not purchase from a wholesaler.

10 **SECTION 2.** 125.25 (1) of the statutes is amended to read:

11 125.25 **(1)** Every municipal governing body may issue Class “A” licenses for the
12 sale of fermented malt beverages from premises within the municipality. Subject to

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1 s. 125.34 (5) and (6), a Class “A” license authorizes retail sales of fermented malt
2 beverages for consumption off the premises where sold and in original packages,
3 containers, and bottles. A Class “A” license also authorizes the licensee to provide,
4 free of charge, to customers and visitors who have attained the legal drinking age
5 fermented malt beverages taste samples that are not in original packages,
6 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on
7 the Class “A” premises. No Class “A” licensee may provide more than 2 taste samples
8 per day to any one person. Taste samples may be provided under this subsection only
9 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter
10 applicable to retail sales of fermented malt beverages by a Class “A” licensee also
11 applies to the provision of taste samples, free of charge, of fermented malt beverages
12 by a Class “A” licensee. A license may be issued after July 1. That license shall expire
13 on the following June 30.

14 **SECTION 3.** 125.28 (1) (d) of the statutes is created to read:

15 125.28 (1) (d) Wholesalers licensed under this section, employees of such
16 wholesalers, and individuals representing such wholesalers may not provide or
17 participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

18 **SECTION 4.** 125.29 (3) of the statutes is amended to read:

19 125.29 (3) ACTIVITIES. Subject to s. 125.34 (2), a brewer may manufacture,
20 possess and store fermented malt beverages on the brewery premises and transport
21 fermented malt beverages between the brewery premises and any depot or
22 warehouse maintained by the brewer for which the brewer has a wholesaler’s license
23 issued under s. 125.28. A brewer or individual representing a brewer may also
24 provide taste samples as authorized under s. 125.33 (12).

25 **SECTION 5.** 125.32 (6) (a) of the statutes is amended to read:

