

2007 DRAFTING REQUEST

Bill

Received: **01/09/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Matt Pagel (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: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

See Attached

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 01/09/2007	jdyer 01/11/2007		_____			
/1			jfrantze 01/11/2007	_____	sbasford 01/11/2007		
/2	agary 01/31/2007	jdyer 01/31/2007	rschluet 02/01/2007	_____	sbasford 02/01/2007		
/3	agary	jdyer	pgreensl	_____	sbasford		

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	02/01/2007	02/01/2007	02/01/2007	_____	02/01/2007		
/4	agary 02/07/2007	jdye 02/07/2007	jfrantze 02/07/2007	_____	cduerst 02/07/2007	cduerst 02/14/2007	

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8/2/07 8/2/07

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FE Sent For:

2/14
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2007 DRAFTING REQUEST

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Received: **01/09/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Beth Piliouras (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: **Sen.Breske@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

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/?	agary	1/11/07	Jo	ANN			
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FE Sent For:

<END>

Gary, Aaron

From: Piliouras, Elizabeth
Sent: Monday, January 08, 2007 5:06 PM
To: Gary, Aaron
Subject: Breske Drafting Request - Redraft of 2005 AB1007

Hi Aaron:

Roger would like to have 2005 AB1007 redrafted, as amended by AAI. One change to include in the draft - please remove the references to wholesalers.

Call if you have any questions.

Thanks in advance!

Beth

Beth Piliouras

Senator Roger Breske

608-266-2509

Soon

14/19/11
LRB-449911
ARC/jld/rs stays

7
2005 ASSEMBLY BILL 1007

LPS-PWFok
please

RNR

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.

Regen

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

which

comma

ASSEMBLY BILL 1007

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.

No. 9. The same limitations that apply to Class "A" licensees providing taste samples also apply to brewers and brewer's representatives providing taste samples on Class "A" premises.

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

SECTION 1. 125.25 (1) of the statutes, as affected by 2005 Wisconsin Act 103,

is amended to read:

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

ASSEMBLY BILL 1007

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 ^{or} individual representing a brewer or fermented malt

ASSEMBLY BILL 1007

SECTION 5

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^{or} individual representing a brewer^{or} ~~or fermented malt beverages~~
6 wholesaler may provide as taste samples under this subsection any fermented malt
7 beverages that the brewer^{or} individual representing the brewer^{or} wholesaler did not
8 purchase from the Class "A" licensee on whose premises the taste samples are
9 provided.

insert
4-4

10 (END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1007**

March 2, 2006 - Offered by COMMITTEE ON STATE AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 4: after "beverages." insert "The provision of taste samples
3 under this subsection shall be subject to the same limitations that apply to taste
4 samples provided by a Class "A" licensee under s. 125.25(1)."

5 (END)

insert
4-4

Gary, Aaron

From: Piliouras, Elizabeth
Sent: Friday, January 26, 2007 10:50 AM
To: Gary, Aaron; Pagel, Matt
Subject: LRB1419

Hi Aaron:

The Breske office officially relinquishes control of LRB1419 to the Kreitlow office and Matt Pagel.

Thanks!
Beth

Beth Piliouras

Senator Roger Breske
608-266-2509

Gary, Aaron

From: Pagel, Matt
Sent: Friday, January 26, 2007 11:11 AM
To: Gary, Aaron
Subject: Beer Sampling

Aaron, here are the three changes I wanted to talk to you about:

- yes (1) Brewer rep hired to do sampling →
- yes (2) Permission of the retailer → →
- yes (3) Change hours of sampling from 10am-6pm to 11am - 7pm. →

Give me a call if you want to discuss further, I am also interested to know if you believe this language would clear up questions regarding distributors providing the sampling on behalf of the wholesaler.

Matthew Pagel
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
Matt.Pagel@legis.wisconsin.gov

Can wholesaler act as
a brewer's agent?

p. 3, line 14

that is hired by the
brewer



500

in 1/31

RMR

D-NOTE

2007 BILL

Regen

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2 (12) of the statutes; **relating to:** the provision of taste samples of fermented
3 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, 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.

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

between the hours of 11 a.m. and 7 p.m.; ✓

BILL

with the consent of the Class "A" licensee ✓

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. *otherwise*

The bill also allows a brewer or ~~brewer's representative~~ 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 or ~~brewer's representative~~ 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 ~~and brewers' representatives~~ providing taste samples on Class "A" premises.

Insert ANAC

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

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

125.25 (1) Every municipal governing body may issue Class "A" licenses for the sale of fermented malt beverages from premises within the municipality. Subject to s. 125.34 (5) and (6), a Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles. A Class "A" license also authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age fermented malt beverages taste samples that are not in original packages, containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on the Class "A" premises. No Class "A" licensee may provide more than 2 taste samples per day to any one person. *other* Any provision of this chapter applicable to retail sales of

2-10

fermented malt beverages by a Class "A" licensee also applies to the provision of taste samples, free of charge, of fermented malt beverages by a Class "A" licensee. A license may be issued after July 1. That license shall expire on the following June 30.

SECTION 2. 125.29 (3) of the statutes is amended to read:

BILL

1 125.29 (3) ACTIVITIES. Subject to s. 125.34 (2), a brewer may manufacture,
 2 possess and store fermented malt beverages on the brewery premises and transport
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 4 warehouse maintained by the brewer for which the brewer has a wholesaler's license
 5 issued under s. 125.28. A brewer or individual representing a brewer may also
 6 provide taste samples as authorized under s. 125.33 (12).

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

8 125.32 (6) (a) Except as provided in s. 125.33 (2) (o) or (12) or 125.70, no person
 9 may possess on the premises covered by a retail or wholesale fermented malt
 10 beverages license or permit any alcohol beverages not authorized by law for sale on
 11 the premises.

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

13 125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding
 14 s. 125.34 (6) (a), a brewer or individual representing a brewer may provide, free of
 15 charge, on Class "A" premises, taste samples of fermented malt beverages to any
 16 person who has attained the legal drinking age for consumption on the premises
 17 during hours in which the Class "A" licensee is authorized under s. 125.32 (3) (b) and
 18 (d) to sell fermented malt beverages. The provision of taste samples under this
 19 subsection shall be subject to the same limitations that apply to taste samples
 20 provided by a Class "A" licensee under s. 125.25 (1). No brewer or individual
 21 representing a brewer may provide as taste samples under this subsection any
 22 fermented malt beverages that the brewer or individual representing the brewer did
 23 not purchase from the Class "A" licensee on whose premises the taste samples are
 24 provided.

✓
 meet
 3-14

(END)

D-1076

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1419/2ins
ARG:.....

INSERT ANAL:

(no P) 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.

INSERT 2-10:

(no P) Taste samples may be provided under this subsection only between the hours of 11 a.m. and 7 p.m.

INSERT 3-14:

(no P) with the consent of the Class "A" licensee, a brewer 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. 125.25 (1) to provide taste samples or, if more restrictive, only during hours established by ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples under this subsection shall be subject to the same limitations that apply to taste samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide as taste samples under this subsection any fermented malt beverages that the brewer did not purchase from the Class "A" licensee on whose premises the taste samples are provided. A brewer may provide taste samples under this subsection through an individual representing the brewer who is hired by the brewer and who is neither employed by nor an agent of a wholesaler. All provisions of this subsection that apply to a brewer apply equally to any individual representing a brewer.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1419/2dn

ARG:.....

date

JLD

ATTN: Matt Pagel

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

I am uncertain what the intent is with regard to the change related to brewers' representatives. Is the attached draft okay? I have reconfigured created s. 125.33 (12) in the attached draft to make it a little easier to read. Is this change okay? Also, would it be okay to call the "individuals representing a brewer" brewers' agents instead?

I have assumed your intent was to limit taste sampling hours for both retailers and brewers. If not, please let me know.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1419/2dn
ARG:jld:rs

February 1, 2007

ATTN: Matt Pagel

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Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov