



State of Wisconsin
2007 - 2008 LEGISLATURE

TODAY
in 2/1
LRB-1419/3
ARG:jld:rs

2007 BILL

g
Editors: Went out today; this corrects 2 mistakes

RMK

D-Note

Regen

1 AN ACT to amend 125.25 (1), 125.29 (3) and 125.32 (6) (a); and to create 125.33
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, between the hours of 11 a.m. and 7 p.m., up to two taste samples per

BILL

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 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 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.

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 is amended to read:

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

BILL

1 by a Class "A" licensee. A license may be issued after July 1. That license shall expire
2 on the following June 30.

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

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

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

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

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

16 125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding
17 s. 125.34 (6) (a), with the consent of the Class "A" licensee, a brewer may provide, free
18 of charge, on Class "A" premises, taste samples of fermented malt beverages to any
19 person who has attained the legal drinking age for consumption on the premises
20 during hours in which the Class "A" licensee is authorized under s. 125.25 (1) to
21 provide taste samples or, if more restrictive, only during hours established by
22 ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples
23 under this subsection shall be subject to the same limitations that apply to taste
24 samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide
25 as taste samples under this subsection any fermented malt beverages that the

BILL

1 brewer did not purchase from the Class "A" licensee on whose premises the taste
 2 samples are provided. A brewer may provide taste samples under this subsection
 3 through an individual representing the brewer who is hired by the brewer and who
 4 is ~~neither~~^{not} employed by ~~or~~^{an} agent of a wholesaler. All provisions of this subsection
 5 that apply to a brewer apply equally to any individual representing a brewer.

(END)

other than, if
 the brewer holds
 a wholesale license,
 the brewer ✓

D-Note

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

3
LRB-14197/dn
ARG:jld:rs

↑
keep

February 1, 2007 } new date

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-1419/3dn
ARG:jld:pg

February 1, 2007

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.

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

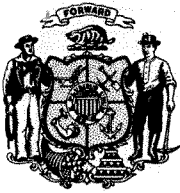
2/7/07

file of
Matt Pagel

- sending over
Leg Council memo & e-mails
- amend wire stat → 11-7
- add provision in e-mail

Add to the end of Section 125.28(1):

“Wholesalers, employees of wholesalers and individuals representing wholesalers may not provide or participate in providing taste samples as authorized by ss. 125.25(1) and 125.29(3).”



State of Wisconsin
2007 - 2008 LEGISLATURE

in 2/7
wanted
by 2/9

LRB-1419/84
ARG:jld:pg
amn

2007 BILL

Regen

1 AN ACT to amend 125.25 (1), 125.29 (3) and 125.32 (6) (a); and to create 125.33
2 (12) of the statutes; relating to: the provision of taste samples of fermented
3 malt beverages and wine 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, between the hours of 11 a.m. and 7 p.m., up to two taste samples per

BILL

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.

✓
insert
ANAL →

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

✓
insert
2-1 →

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

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

BILL

1 by a Class "A" licensee. A license may be issued after July 1. That license shall expire
2 on the following June 30.

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

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

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

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

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

16 125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding
17 s. 125.34 (6) (a), with the consent of the Class "A" licensee, a brewer may provide, free
18 of charge, on Class "A" premises, taste samples of fermented malt beverages to any
19 person who has attained the legal drinking age for consumption on the premises
20 during hours in which the Class "A" licensee is authorized under s. 125.25 (1) to
21 provide taste samples or, if more restrictive, only during hours established by
22 ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples
23 under this subsection shall be subject to the same limitations that apply to taste
24 samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide
25 as taste samples under this subsection any fermented malt beverages that the

Insert
3-2 →

BILL

1 brewer did not purchase from the Class "A" licensee on whose premises the taste
2 samples are provided. A brewer may provide taste samples under this subsection
3 through an individual representing the brewer who is hired by the brewer and who
4 is not employed by or an agent of a wholesaler other than, if the brewer holds a
5 wholesale license, the brewer. All provisions of this subsection that apply to a brewer
6 apply equally to any individual representing a brewer.

7 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1419/4ins
ARG:.....

INSERT ANAL:

¶ Additionally The bill *also* 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.

INSERT 2-1:

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

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

History: 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16.

INSERT 3-2:

SECTION 2. 125.28 (1) (d) of the statutes is created to read:

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

Barman, Mike

From: Gary, Aaron
Sent: Wednesday, February 14, 2007 11:09 AM
To: Barman, Mike
Subject: RE: Beer Sampling

Mike,

Could you please jacket LRB-1419 for Sen. Kreitlow, per below? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Pagel, Matt
Sent: Wednesday, February 14, 2007 9:15 AM
To: Gary, Aaron
Subject: RE: Beer Sampling

Yes, can you send me the jacket for the bill. Thanks.

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