



## 2007 ASSEMBLY BILL 122

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.

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*Analysis by the Legislative Reference Bureau*

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

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

**ASSEMBLY BILL 122****SECTION 1**

1 may provide taste samples under this subsection to any underage person. No “Class  
2 A” licensee may provide as taste samples under this subsection wine that the “Class  
3 A” licensee did not purchase from a wholesaler.

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

5 125.25 (1) Every municipal governing body may issue Class “A” licenses for the  
6 sale of fermented malt beverages from premises within the municipality. Subject to  
7 s. 125.34 (5) and (6), a Class “A” license authorizes retail sales of fermented malt  
8 beverages for consumption off the premises where sold and in original packages,  
9 containers, and bottles. A Class “A” license also authorizes the licensee to provide,  
10 free of charge, to customers and visitors who have attained the legal drinking age  
11 fermented malt beverages taste samples that are not in original packages,  
12 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on  
13 the Class “A” premises. No Class “A” licensee may provide more than 2 taste samples  
14 per day to any one person. Taste samples may be provided under this subsection only  
15 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter  
16 applicable to retail sales of fermented malt beverages by a Class “A” licensee also  
17 applies to the provision of taste samples, free of charge, of fermented malt beverages  
18 by a Class “A” licensee. A license may be issued after July 1. That license shall expire  
19 on the following June 30.

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

21 125.28 (1) (d) Wholesalers licensed under this section, employees of such  
22 wholesalers, and individuals representing such wholesalers may not provide or  
23 participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

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

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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  
3           fermented malt beverages between the brewery premises and any depot or  
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 5.** 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 6.** 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), with the consent of the Class “A” licensee, a brewer may provide, free  
15          of 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. 125.25 (1) to  
18          provide taste samples or, if more restrictive, only during hours established by  
19          ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples  
20          under this subsection shall be subject to the same limitations that apply to taste  
21          samples provided by a Class “A” licensee under s. 125.25 (1). No brewer may provide  
22          as taste samples under this subsection any fermented malt beverages that the  
23          brewer did not purchase from the Class “A” licensee on whose premises the taste  
24          samples are provided. A brewer may provide taste samples under this subsection  
25          through an individual representing the brewer who is hired by the brewer and who

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**SECTION 6**

1 is not employed by or an agent of a wholesaler other than, if the brewer holds a  
2 wholesale license, the brewer. All provisions of this subsection that apply to a brewer  
3 apply equally to any individual representing a brewer.

4 (END)