

2007 Assembly Bill 122

Date of enactment: **May 3, 2007**
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2007 WISCONSIN ACT 9

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

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

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.

SECTION 2. 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. Taste samples may be provided under this subsection only between the hours of 11 a.m. and 7 p.m. Any other 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.

SECTION 3. 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).

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

125.29 (3) ACTIVITIES. Subject to s. 125.34 (2), a brewer may manufacture, possess and store fermented malt beverages on the brewery premises and transport fermented malt beverages between the brewery premises

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

and any depot or warehouse maintained by the brewer for which the brewer has a wholesaler's license issued under s. 125.28. A brewer or individual representing a brewer may also provide taste samples as authorized under s. 125.33 (12).

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

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

SECTION 6. 125.33 (12) of the statutes is created to read:

125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding s. 125.34 (6) (a), 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 not employed by or an agent of a wholesaler other than, if the brewer holds a wholesale license, the brewer. All provisions of this subsection that apply to a brewer apply equally to any individual representing a brewer.
