



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3752/1  
ARG:sac:rs

## 2013 SENATE BILL 597

February 13, 2014 – Introduced by Senators HARSDORF, GROTHMAN, VINEHOUT, GUDEX and SCHULTZ, cosponsored by Representatives SEVERSON, BIES, BALLWEG, DANOU, MURPHY, OHNSTAD, PETRYK, PRIDEMORE and RINGHAND. Referred to Committee on Agriculture, Small Business, and Tourism.

1     **AN ACT** *to renumber* 125.68 (13); *to amend* 125.68 (4) (c) 3m., 125.68 (4) (c) 5.  
2             and 125.68 (13) (title); and *to create* 125.68 (13) (b) of the statutes; **relating**  
3             **to:** closing hours for retail sales by wineries and the possession and  
4             consumption of intoxicating liquor and fermented malt beverages on retail  
5             premises of wineries.

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### *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. Current law allows a winery to hold a “Class A” retail license or a “Class B” retail license. A “Class A” license authorizes the retail sale of intoxicating liquor (wine and distilled spirits) for consumption off the premises in original packages and containers. A “Class B” license issued to a winery authorizes the retail sale of wine to be consumed by the glass or in opened containers on the licensed premises and authorizes the retail sale of wine in the original package or container to be consumed off the licensed premises. A winery operating under a retail “Class B” license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m.

This bill changes the closing hour for wineries operating under a retail “Class B” license from 9 p.m. to midnight and prohibits municipalities from establishing, by ordinance, more restrictive closing hours for these wineries.

Under current law, with the exception of a winery, a person may not obtain a “Class B” license authorizing the retail sale of intoxicating liquor unless the person

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also holds a Class “B” license authorizing the retail sale of fermented malt beverages (beer). With exceptions, a person may not possess on Class “B” licensed premises any alcohol beverages not authorized for sale on the premises. Under one exception, a Class “B” licensee may allow a person to possess and consume on the licensed premises beer not purchased from the licensee (often referred to as a “carry-in”) if the licensed premises are located in a public park in the city of Milwaukee. A similar provision specifies that a “Class B” licensee may allow carry-ins of intoxicating liquor if the licensed premises are located in a public park in the city of Milwaukee. Current law also prohibits a retail licensee from purchasing intoxicating liquor or beer from, or possessing intoxicating liquor or beer purchased from, any person other than a wholesaler.

This bill specifies that a winery holding a retail “Class B” license may allow carry-ins of distilled spirits and beer on the winery’s retail premises by a person who has contracted to rent any part of the retail premises (host) for a special event such as a wedding reception. The winery may possess these carried-in distilled spirits and beer and only the winery can serve these carried-in distilled spirits and beer to persons attending the special event. The winery may not charge the host any fee for being allowed to carry in distilled spirits or beer.

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

1           **SECTION 1.** 125.68 (4) (c) 3m. of the statutes is amended to read:

2           125.68 (4) (c) 3m. No premises for which a “Class B” license has been issued  
3 under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between  
4 the hours of ~~9 p.m.~~ 12 midnight and 8 a.m.

5           **SECTION 2.** 125.68 (4) (c) 5. of the statutes is amended to read:

6           125.68 (4) (c) 5. A municipality may not, by ordinance, impose different hours  
7 than those provided under ~~subd.~~ subds. 1. and 3m.

8           **SECTION 3.** 125.68 (13) (title) of the statutes is amended to read:

9           125.68 (13) (title) INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES NOT  
10 PURCHASED ON RETAIL PREMISES IN A PARK.

11           **SECTION 4.** 125.68 (13) of the statutes is renumbered 125.68 (13) (a).

12           **SECTION 5.** 125.68 (13) (b) of the statutes is created to read:

