

2013 DRAFTING REQUEST

Bill

Received: 12/4/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: Sheila Harsdorf (608) 266-7745 By/Representing: self
May Contact: Drafter: agary
Subject: Beverages Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Harsdorf@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov
melissa.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Closing hour for wineries; carrying in beer and spirits to winery

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 1/6/2014			_____			
/P1	agary 1/13/2014	scalvin 1/6/2014	rschluet 1/6/2014	_____	srose 1/6/2014		
/P2	agary 1/30/2014	scalvin 1/14/2014	jmurphy 1/14/2014	_____	sbasford 1/14/2014		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		scalvin 1/31/2014	rschluet 1/31/2014	_____	sbasford 1/31/2014	mbarman 2/4/2014	

FE Sent For:

None
Needed

<END>

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/P1	agary 1/13/2014	scalvin 1/6/2014	rschluet 1/6/2014		srose 1/6/2014		
/P2		scalvin 1/14/2014	jmurphy 1/14/2014		sbasford 1/14/2014		
		/1 sac 01/31/2014	/1 sac 01/31/2014				

FE Sent For:

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/?	agary 1/6/2014						
/P1		scalvin 1/6/2014	rschlue 1/6/2014		srose 1/6/2014		
FE Sent For:		/P2 sac 01/13/2014	/P2 sac 01/13/2014	Jan 1/14			

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/?	agary	/PI sac 01/06/2014	PI sac 01/06/2014				

FE Sent For:

<END>

12/4

Sen. Harstad, Anna Mayner, Melissa Schmitt, Melissa
A J Scholz

- beer, spirits, and wine
- special events ~~license~~ license → annual
 - mun. issues
 - just for wineries that want to have special events
 - beer and spirits
 - person renting the hall provide wine and spirits; winery would provide the server
- restaurant, seating, capacity, etc. →
 - Fri, Sat, Sun. ?
- weddings
- lot people bring in beer and spirits →
 - person renting the facility would bring in the alcohol
 - but winery is responsible for serving
 - person renting could not sell; it would have to be an open bar; leftovers go home

- ~~MI~~ has a law like this
 - winery could have a server fee
 - hours of operation →
midnight
 - anytime they rent the hall →
not special hall
 - can contact Roger or brewer guest

MI 436.1305

Gary, Aaron

From: Weigand, Melissa
Sent: Friday, December 13, 2013 11:04 AM
To: Gary, Aaron
Subject: RE: Weddings held at breweries, wineries

Good morning Aaron,

Thank you for the email, the information, and your work on this issue. I am checking about what Senator Harsdorf and Representative Severson would like to do in reference to the closing time. I'll be back in touch when I know more.

Thanks again,

12/16 flc w/ Melissa

6-7745

Melissa Weigand

Office of Senator Sheila Harsdorf
800.862.1092 or 608.266.7745

- 9:00 → midnight
- can't restrict by ordinance
- proceed w/ rest of draft too

From: Gary, Aaron
Sent: Tuesday, December 10, 2013 3:48 PM
To: Harsdorf, Sheila; Weigand, Melissa; Scholz, AJ
Cc: Schmidt, Melissa
Subject: FW: Weddings held at breweries, wineries

Good afternoon,

I'm following up on our meeting of Dec. 4. When I began drafting this (LRB-3752), it became unclear to me whether wineries and breweries are prohibited under current law from allowing carry in alcohol at a wedding held at the winery or brewery. This is because of the peculiar nature of the winery's "Class B" retail license and the fact that the brewer does not hold a retail license at all. I have asked for some feedback from DOR (please see below). Depending on the response, it is possible that no legislation would be needed (although the closing hour piece will still need to be drafted). I am therefore waiting for a response from DOR before I complete this draft (partly because I need the response to know exactly what provision(s) has to be changed in current law, according to DOR).

As for the closing hour piece of the draft, if the retail closing hour for wineries is extended by statute from 9:00 pm to midnight, is it your intent that a municipality can, or cannot, enact an ordinance that overrides the statute and provides for an earlier closing time? (Current law seems to allow such ordinance authority with respect to the existing 9:00 pm closing hour for wineries, but there is no such authority with respect to bars/taverns holding a "Class B" retail license and serving for on-premises consumption.)

Thanks. Aaron

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

Before 2011 Act 32, when brewers still held retail licenses, it was clear that a brewer could not use the brewery premises to host a wedding reception and allow the wedding party to carry in and serve wine or spirits at the wedding (while the brewer provided the beer). See s. 125.32 (6) – “..... 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.” Several years ago I took a tour of the New Glarus brewery and Dan or Deb Carey mentioned during the tour the fact that they would love to host “full bar” weddings at the brewery but couldn’t.

Now that brewers no longer hold retail licenses, I’m wondering if they can allow guests at a private event held on the brewery premises to carry in wine and spirits (setting aside the issue of whether it is legal under federal law). Section 125.32 (6) doesn’t apply anymore, since the brewer does not hold a retail beer license. Section 125.04 (9) doesn’t really seem applicable either. Looking at s. 125.09 (1), I wouldn’t think that a reception/banquet room closed for a private event like a wedding reception would be a “public place.”

I also have a similar question for wineries. There is no provision in subch. III for wine/spirits that is analogous to s. 125.32 (6) for beer. (but s. 125.68 (13) was created anyway) For most retailers, the “Class B” retailer must also have a Class “B” license, so s. 125.32 (6) would indirectly apply. But a winery does not, so s. 125.32 (6) doesn’t apply to the winery. So is there anything under current law prohibiting a winery holding a “Class B” license from allowing guests at a private event on the winery premises to carry in beer and/or spirits onto the “Class B” licensed premises at the winery?

Any thoughts on these questions would be greatly appreciated. And if DOR has an official position as given to the brewers or wineries, that would be very helpful to know.

As always, thanks for your help! Aaron

Gary, Aaron

From: Scholz, AJ
Sent: Monday, January 06, 2014 8:53 AM
To: Gary, Aaron; Weigand, Melissa
Subject: RE: Weddings held at breweries, wineries

I think we are better off stating that carry-ins of beer is allowed then relying on a DOR position that could change. Especially if wholesalers are operating under the assumption that a winery can't hold a class B license.

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Gary, Aaron
Sent: Friday, January 03, 2014 4:46 PM
To: Weigand, Melissa
Cc: Scholz, AJ
Subject: RE: Weddings held at breweries, wineries

Yes, this response was a surprise to me too. I thought that DOR's position in the recent years was that wineries cannot be issued Class "B" beer licenses. (In the past, DOR has cited a change in the law in 2007 for a shift in its position on Class "B" beer licenses held by wineries.) Many wineries actually do have Class "B" beer licenses (most of which were probably issued before 2007), but I think the wholesalers still take the position that a winery is not authorized to obtain a Class "B" beer license.

At this point, do you want to have this draft specify that a winery may allow carry-ins of beer (assuming the winery has no beer license)? Or do you want to rely on DOR's statement that a winery can in fact obtain a Class "B" beer license and can then sell beer for the wedding, etc.?

Thanks. Aaron

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

From: Weigand, Melissa
Sent: Friday, January 03, 2014 1:43 PM
To: Gary, Aaron
Cc: Scholz, AJ
Subject: RE: Weddings held at breweries, wineries

Good afternoon,

Thanks for the updated information. If I am understanding the clarification that DOR provided correctly, that is news to me. I was under the impression that a winery could have only one license. Interesting.

Thanks again,

Melissa Weigand

Office of Senator Sheila Harsdorf
800.862.1092 or 608.266.7745

From: Gary, Aaron
Sent: Friday, January 03, 2014 1:29 PM
To: Harsdorf, Sheila; Weigand, Melissa; Scholz, AJ
Cc: Schmidt, Melissa
Subject: RE: Weddings held at breweries, wineries

FYI, I received a response from DOR yesterday. Here is DOR's official response to my email. At this point, I have all the information I need to proceed with the drafting. Aaron

For breweries, no state law prohibits a brewery from allowing carry-in wine and liquor to be consumed at a private event.

For wineries:

- Nothing in the statutes prohibits a winery from obtaining a Class "B" (beer only) license, which would allow them to serve beer. However, a winery with a Class "B" (beer only) license cannot allow carry-in liquor pursuant to Wis. Stat. § 125.32 (6) or carry-in beer under § 125.33 (9). Also of note, licensed wineries would be required to comply with closing hours (9 p.m. for wineries), licensed bartender, and other restrictions under the license.
- A winery with a "Class B" liquor license may not allow the carry-in of liquor under Wis. Stat. § 125.69 (6)(a).

I asked for clarification to DOR's response, above. Here is the request and the clarification: Am I reading your email correctly that a winery could hold both a Class "B" beer license and a "Class B" "liquor" license to serve beer and wine at weddings and similar events but could not serve spirits?

Correct. The "Class B" liquor license is restricted to wine only for wineries and with that comes the requirement to comply with closing hours (9 p.m. for wineries), licensed bartender, and other restrictions under the license.

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

From: Gary, Aaron
Sent: Tuesday, December 10, 2013 3:48 PM
To: Harsdorf, Sheila; Weigand, Melissa; Scholz, AJ
Cc: Schmidt, Melissa
Subject: FW: Weddings held at breweries, wineries

Good afternoon,

I'm following up on our meeting of Dec. 4. When I began drafting this (LRB-3752), it became unclear to me whether wineries and breweries are prohibited under current law from allowing carry in alcohol at a wedding held at the winery or brewery. This is because of the peculiar nature of the winery's "Class B" retail license and the fact that the brewer does not hold a retail license at all. I have asked for some feedback from DOR (please see below). Depending on the response, it is possible that no legislation would be needed (although the closing hour piece will still need to be drafted). I am therefore waiting for a response from DOR before I complete this draft (partly because I need the response to know exactly what provision(s) has to be changed in current law, according to DOR).

As for the closing hour piece of the draft, if the retail closing hour for wineries is extended by statute from 9:00 pm to midnight, is it your intent that a municipality can, or cannot, enact an ordinance that overrides the statute and provides for an earlier closing time? (Current law seems to allow such ordinance authority with respect to the existing 9:00 pm closing hour for wineries, but there is no such authority with respect to bars/taverns holding a "Class B" retail license and serving for on-premises consumption.)

Thanks. Aaron

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

Before 2011 Act 32, when brewers still held retail licenses, it was clear that a brewer could not use the brewery premises to host a wedding reception and allow the wedding party to carry in and serve wine or spirits at the wedding (while the brewer provided the beer). See s. 125.32 (6) – "..... 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." Several years ago I took a tour of the New Glarus brewery and Dan or Deb Carey mentioned during the tour the fact that they would love to host "full bar" weddings at the brewery but couldn't.

Now that brewers no longer hold retail licenses, I'm wondering if they can allow guests at a private event held on the brewery premises to carry in wine and spirits (setting aside the issue of whether it is legal under federal law). Section 125.32 (6) doesn't apply anymore, since the brewer does not hold a retail beer license. Section 125.04 (9) doesn't really seem applicable either. Looking at s. 125.09 (1), I wouldn't think that a reception/banquet room closed for a private event like a wedding reception would be a "public place."

I also have a similar question for wineries. There is no provision in subch. III for wine/spirits that is analogous to s. 125.32 (6) for beer. (but s. 125.68 (13) was created anyway) For most retailers, the "Class B" retailer must also have a Class "B" license, so s. 125.32 (6) would indirectly apply. But a winery does not, so s. 125.32 (6) doesn't apply to the winery. So is there anything under current law prohibiting a winery holding a "Class B" license from allowing guests at a private event on the winery premises to carry in beer and/or spirits onto the "Class B" licensed premises at the winery?

Any thoughts on these questions would be greatly appreciated. And if DOR has an official position as given to the brewers or wineries, that would be very helpful to know.

As always, thanks for your help! Aaron



soon



SAC

in 1/6

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Editors / CPSs : Please ignore
d-note in electronic file -
I don't want it anymore
Thank. Agave

1 AN ACT ^{gen act} relating to: closing hours for retail sales by wineries and the
2 possession and consumption of intoxicating liquor and fermented malt
3 beverages on retail premises of wineries.

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 one retail license, which may be either a "Class A" license or a "Class B" 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 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. The winery may also possess these carried-in distilled spirits and beer.

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.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97.

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.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97.

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.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97.

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:

13 125.68 (13) (b) No provision of this chapter prohibits a licensee under s. 125.51
14 (3) (am) from allowing a person who does not hold a license or permit under this

1 chapter to possess and consume on the licensed premises intoxicating liquor other
2 than wine, or fermented malt beverages, that was not purchased from the licensee.
3 Notwithstanding ss. 125.33 (9) and 125.69 (6) (a), a licensee under s. 125.51 (3) (am)
4 may possess on the licensed premises intoxicating liquor and fermented malt
5 beverages brought onto the licensed premises by a person who does not hold a license
6 or permit under this chapter.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97.

7

(END)

1/10 Hc of Melissa

- limit to person renting the facility - no BYO
- person who has a contract to rent the facility

• facility would have to serve it

→ check the liability issue

• facility can allow it, but cannot charge the renter to bring it in

• ~~can't~~ can't charge to bring in beer or intoxicating liquor

→ ~~don't put it in the bill~~

a/pz

Gary, Aaron

From: Gary, Aaron
Sent: Friday, January 10, 2014 3:35 PM
To: Weigand, Melissa
Subject: Follow up to our conversation - liability

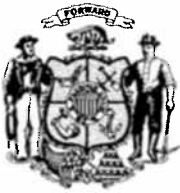
Melissa,

I took a quick look at the liability statute, 125.035, which reads in part: "A person is immune from civil liability arising out of the act of procuring alcohol beverages for or selling, dispensing or giving away alcohol beverages to another person."

This statutory exemption from liability is very broad - it should cover circumstances when the winery is providing carried-in spirits or beer to wedding reception guests. Accordingly, I believe that requiring the winery to serve the carried-in alcohol should not present any liability concerns for the winery.

Aaron

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



State of Wisconsin
2013 - 2014 LEGISLATURE

500



LRB-3752/P1 P2

ARG:sac:ts

in 1/13

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

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.

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 one retail license, which may be either a "Class A" license or a "Class B" 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

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. The winery may ~~also~~ possess these carried-in distilled spirits and beer.

insert
ANAL-
A

insert ANAL-B

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:

125.68 (13) (b) No provision of this chapter prohibits a licensee under s. 125.51
(3) (am) from allowing a person who does not hold a license or permit under this

insert
2-13
14

1 chapter to possess and consume on the licensed premises intoxicating liquor other
2 than wine, or fermented malt beverages, that was not purchased from the licensee.
3 Notwithstanding ss. 125.33 (9) and 125.69 (6) (a), a licensee under s. 125.51 (3) (am)
4 may possess on the licensed premises intoxicating liquor and fermented malt
5 beverages brought onto the licensed premises by a person who does not hold a license
6 or permit under this chapter.

7

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3752/P2ins
ARG:.....

1

2 **INSERT ANAL-A:**

(no P) by a person who has contracted to rent any part of the retail premises (host) for a special event such as a wedding reception

3

INSERT ANAL-B:

(no P) 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

4

INSERT 2-13:

5

no P 1. In this paragraph, "host" means a person who has contracted with a licensee under s. 125.51 (3) (am) to rent any portion of the licensed premises for a special event such as a wedding reception.

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8

2. Subject to subd. 3., no provision of this chapter prohibits a licensee under s. 125.51 (3) (am) from allowing a host to bring onto the licensed premises, or from allowing any person attending a special event on the licensed premises to possess and consume on the licensed premises, intoxicating liquor other than wine, or fermented malt beverages, that was not purchased from the licensee.

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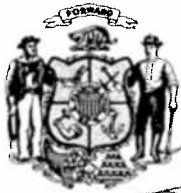
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3. Notwithstanding ss. 125.33 (9) and 125.69 (6) (a), a licensee under s. 125.51 (3) (am) may possess on the licensed premises intoxicating liquor and fermented malt beverages brought onto the licensed premises as provided in subd. 2. This intoxicating liquor and fermented malt beverages may be served to persons attending the special event only by the licensee. The licensee may not charge the host any fee for being allowed to bring intoxicating liquor or fermented malt beverages onto the licensed premises.



State of Wisconsin
2013 - 2014 LEGISLATURE

500v



LRB-3752/1/1
ARG:sac:jd

in
1/30

RMR

1/30 H.C. / Melissa Weigand - wants / 1 - change deal.
PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

One change - on this page

gen ltr

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.

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 ~~one retail license, which may be either~~ a "Class A" license or a "Class B" 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.

retail *
x

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

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.

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:

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125.68 **(13)** (b) 1. In this paragraph, "host" means a person who has contracted with a licensee under s. 125.51 (3) (am) to rent any portion of the licensed premises for a special event such as a wedding reception.

2. Subject to subd. 3., no provision of this chapter prohibits a licensee under s. 125.51 (3) (am) from allowing a host to bring onto the licensed premises, or from allowing any person attending a special event on the licensed premises to possess and consume on the licensed premises, intoxicating liquor other than wine, or fermented malt beverages, that was not purchased from the licensee.

3. Notwithstanding ss. 125.33 (9) and 125.69 (6) (a), a licensee under s. 125.51 (3) (am) may possess on the licensed premises intoxicating liquor and fermented malt beverages brought onto the licensed premises as provided in subd. 2. This intoxicating liquor and fermented malt beverages may be served to persons attending the special event only by the licensee. The licensee may not charge the host any fee for being allowed to bring intoxicating liquor or fermented malt beverages onto the licensed premises.

(END)

Barman, Mike

From: Weigand, Melissa
Sent: Monday, February 03, 2014 5:45 PM
To: LRB.Legal
Subject: Draft Review: LRB -3752/1 Topic: Closing hour for wineries; carrying in beer and spirits to winery

Please Jacket LRB -3752/1 for the SENATE.

Thanks,

Melissa Weigand

Office of Senator Sheila Harsdorf
800.862.1092 or 608.266.7745