2017 SENATE BILL 366


AN ACT to amend 125.272 and 125.51 (6); and to create 125.26 (2x), 125.27 (4), 125.51 (3) (bx) and 125.51 (5) (e) of the statutes; relating to: retail sales of alcohol beverages at the Ozaukee County fairgrounds.

Analysis by the Legislative Reference Bureau

This bill allows a retailer to sell alcohol beverages off the retailer’s licensed premises if the sale occurs at the Ozaukee County fairgrounds, the retailer is approved by the Ozaukee County Board of Supervisors, and the retailer’s licensed premises are located in Ozaukee County.

Under current law, with exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class “B” license authorizes the retail sale of fermented malt beverages (beer) for consumption on or off the premises. A “Class B” license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to various restrictions, the retail sale of intoxicating liquor in original packages for consumption off the licensed premises. Intoxicating liquor includes wine and distilled spirits. Class “B” licenses and “Class B” licenses are issued by municipalities and are generally issued together for establishments such as restaurants, bars, and taverns. Class “B” and “Class B” licenses must particularly describe the premises where alcohol will be sold. Under limited circumstances, the Department of Revenue also issues Class “B” and “Class B” permits authorizing the retail sale of beer and intoxicating liquor. Alcohol may be sold at retail only in a face-to-face transaction with a consumer on the premises described in the retail license or permit.
SENATE BILL 366

This bill allows Class “B” licensees and permittees, and “Class B” licensees and permittees, to sell, respectively, beer and intoxicating liquor at specific locations within the Ozaukee County fairgrounds during special events held at the fairgrounds if the Ozaukee County board adopts a resolution approving the licensee or permittee and if the premises covered by the license or permit are located in Ozaukee County. The bill therefore authorizes, under these limited circumstances, these retailers to sell alcohol beverages off the premises covered by the retail license or permit, including allowing sales outside the municipality that issued a retail license.

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

SECTION 1. 125.26 (2x) of the statutes is created to read:

125.26 (2x) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class “B” license issued under this section also authorizes the licensee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee’s Class “B” licensed premises are located in Ozaukee County. Notwithstanding sub. (1), a licensee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee’s licensed premises, as described under sub. (3) in the licensee’s Class “B” license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the Class “B” license. A licensee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the licensee’s Class “B” licensed premises. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a licensee approved by the
Ozaukee County board under this subsection and such an approved licensee may transport fermented malt beverages from its licensed premises to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale.

**SECTION 2.** 125.27 (4) of the statutes is created to read:

> 125.27 (4) **ADDITIONAL SALES AUTHORITY FOR PERMITTEES.** Notwithstanding subs. (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), (2), or (3), a Class “B” permit issued under this section also authorizes the permittee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the Class “B” permit are located in Ozaukee County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the premises covered by the Class “B” permit. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a permittee approved by the Ozaukee County board under this subsection and such an approved permittee may transport fermented malt beverages from the premises covered by the permit to the
Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale.

SECTION 3. 125.272 of the statutes is amended to read:

125.272 Face-to-face retail sales. Except as provided in s. ss. 125.26 (2m) and (2s), and (2x) and 125.27 (4) and except with respect to caterers, a retail license issued under s. 125.25 or 125.26, and a retail permit issued under s. 125.27, authorizes only face-to-face sales to consumers at the premises described in the retail license or permit.

SECTION 4. 125.51 (3) (bx) of the statutes is created to read:

125.51 (3) (bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class B” license issued under sub. (1) also authorizes the licensee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee’s “Class B” licensed premises are located in Ozaukee County. Notwithstanding pars. (a) and (b) and sub. (1) (a), a licensee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee’s licensed premises, as described under par. (d) in the licensee’s “Class B” license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the licensee’s “Class B” license. A licensee that provides intoxicating liquor under this paragraph is subject to s. 125.68
(2) as if the intoxicating liquor were provided on the licensee’s “Class B” licensed
premises. This paragraph does not authorize Ozaukee County or any person
operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor
at retail or to procure or stock intoxicating liquor for purposes of retail sale.

SECTION 5. 125.51 (5) (e) of the statutes is created to read:

125.51 (5) (e) Additional sales authority for permittees. Notwithstanding pars.
(a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
to the authorization specified in par. (a), (b), (c), or (d), a “Class B” permit issued
under this subsection also authorizes the permittee to provide intoxicating liquor,
including its retail sale, at specific locations within the Ozaukee County fairgrounds
during special events held at the fairgrounds, if the Ozaukee County board adopts
a resolution approving the permittee and if the premises covered by the “Class B”
permit are located in Ozaukee County. Notwithstanding pars. (a), (b), (c), and (d),
a permittee may provide intoxicating liquor under this paragraph at the Ozaukee
County fairgrounds even though the Ozaukee County fairgrounds are not part of the
premises described in the permit. A permittee that provides intoxicating liquor
under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were
provided on the premises covered by the “Class B” permit. This paragraph does not
authorize Ozaukee County or any person operating or managing the Ozaukee
County fairgrounds to sell intoxicating liquor at retail or to procure or stock
intoxicating liquor for purposes of retail sale.

SECTION 6. 125.51 (6) of the statutes is amended to read:

125.51 (6) FACE-TO-FACE RETAIL SALES. Except as provided in sub. subs. (3) (bm)
and, (bs), and (bx) and (5) (e) and except with respect to caterers, a retail license or
permit issued under this section authorizes only face-to-face sales to consumers at
the premises described in the retail license or permit.