October 9, 2017 – Introduced by Senators STROEBEL and MARKLEIN, cosponsored by Representatives GANNON, FIELDS, HORLACHER, JACQUE, TAUCHEN, BERCEAU, BALLWEG, THIESFELDT, SKOWRONSKI, E. BROOKS and DUCHOW. Referred to Committee on Revenue, Financial Institutions and Rural Issues.

AN ACT to amend 125.26 (6), 125.33 (9), 125.51 (10) (a), 125.69 (6) (a) and 125.69 (6) (c) of the statutes; relating to: the source of supply for temporary retail alcohol beverage licensees.

Analysis by the Legislative Reference Bureau

This bill allows a temporary retail alcohol beverage licensee to obtain the beer or wine to be sold to consumers under the license from another retailer rather than a wholesaler.

Current law authorizes municipalities to issue temporary Class “B” and “Class B” licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by these organizations. Unless a specific statutory exception applies, a person issued a temporary retail license is subject to the same requirements as other retail licensees. Among these requirements, a retail licensee may not purchase beer or wine from any person other than a wholesaler.

This bill allows a temporary Class “B” or “Class B” retail licensee to purchase, respectively, beer or wine from another retail licensee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 125.26 (6) of the statutes is amended to read:

125.26 (6) Temporary Class “B” licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed $10. An official or body authorized by a municipal governing body to issue temporary Class “B” licenses may, upon issuance of any temporary Class “B” license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class “B” license for premises that are covered by a “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection. If a license is issued under this subsection to a fair association solely for the purpose of conducting on the licensed premises fermented malt beverages judging or tasting events involving servings of fermented malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these licensed premises. The licensee may purchase fermented malt beverages, and possess fermented malt beverages purchased, from a Class “A” or Class “B” licensee.
SECTION 2. 125.33 (9) of the statutes is amended to read:

125.33 (9) CAMPUSSES AND RETAILERS TO PURCHASE FROM WHOLESALERS. Except as provided in ss. 125.26 (6), 125.29 (3m) (b) and (c), 125.295 (1) (g), and 125.30 (4), no campus or retail licensee or permittee may purchase or possess fermented malt beverages purchased from any person other than a wholesaler holding a permit under this chapter for the sale of fermented malt beverages. Any person who violates this subsection may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

SECTION 3. 125.51 (10) (a) of the statutes is amended to read:

125.51 (10) (a) Notwithstanding s. 125.68 (3), temporary “Class B” licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans’ organizations authorizing the sale of wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container, or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed $10, except that no fee may be charged to a person who at the same time applies for a temporary Class “B” license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. If a
county or district fair leases any stand to a winery holding a permit under s. 125.53, in addition to making retail sales of wine from the leased stand, the winery may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery. If a license is issued under this paragraph to a fair association solely for the purpose of conducting on the licensed premises wine judging or tasting events involving servings of wine no greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed premises. Except as provided in par. (b), not more than 2 licenses may be issued under this paragraph to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society, or veterans post in any 12-month period. The licensee may purchase wine, and possess wine purchased, from a “Class A” or “Class B” licensee.

SECTION 4. 125.69 (6) (a) of the statutes is amended to read:

125.69 (6) (a) **No** Except as provided in s. 125.51 (10) (a), no campus or retail licensee or permittee may purchase intoxicating liquor from, or possess intoxicating liquor purchased from, any person other than a wholesaler holding a permit under this chapter for the sale of intoxicating liquor.

SECTION 5. 125.69 (6) (c) of the statutes is amended to read:

125.69 (6) (c) **Notwithstanding** Except as provided in s. 125.51 (10) (a), and notwithstanding par. (b), a “Class B” licensee who purchases intoxicating liquor from a “Class A” licensee for resale or who possesses intoxicating liquor purchased from a “Class A” licensee for resale may be fined not more than $100.