

State of Wisconsin



2021 Assembly Bill 32

Date of enactment: **March 26, 2021**

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2021 WISCONSIN ACT 21

AN ACT *to amend* 125.51 (3) (a), 125.51 (3) (am) and 125.51 (3) (b); and *to create* 125.02 (20g) of the statutes; relating to: the retail sale of intoxicating liquor by the glass for consumption away from the licensed premises.

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

SECTION 1. 125.02 (20g) of the statutes is created to read:

125.02 (20g) "Tamper-evident seal" means a device or material that is used to securely and fully close off a container, with no perforations, in such a manner that access to the contents of the container cannot be gained without showing evidence of tampering.

SECTION 2. 125.51 (3) (a) of the statutes is amended to read:

125.51 (3) (a) A "Class B" license authorizes the retail sale of intoxicating liquor ~~for consumption on the premises where sold~~ by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

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

125.51 (3) (am) A "Class B" license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers ~~only on the premises where sold and or off the premises if the licensee seals the container of wine with a tamper-evident seal before the wine is removed from the premises.~~ The "Class B" license also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.

SECTION 4. 125.51 (3) (b) of the statutes is amended to read:

125.51 (3) (b) In all municipalities electing by ordinance to come under this paragraph, a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass ~~only on the premises where sold and or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises.~~ The "Class B" license also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold. This paragraph does not apply to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

* Section 991.11, WISCONSIN STATUTES: 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."