
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 39 [2021 Senate Bill 266]

Alcohol at Road America

2021 Wisconsin Act 39 authorizes the Department of Revenue (DOR) to issue Class “B” fermented malt beverages (“beer”) and “Class B” intoxicating liquor (spirits and wine, hereinafter “liquor”) retail permits to the owner or operator of “racetrack grounds” or to a person designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Currently, only Road America meets the act’s definition of “racetrack grounds.”¹ The Class “B” beer retail permit and the “Class B” liquor retail permit created by the act authorize the retail sale of beer or liquor, respectively, on the permitted premises for the consumption anywhere within the racetrack grounds. The permits do not authorize retail sales of beer or liquor at any designated camping area on racetrack grounds while the area is in use for camping.

The act also authorizes a caterer who has been issued a Class “B” beer retail license to provide and make retail sales of beer on the racetrack grounds. Similarly, the act authorizes a caterer who has been issued a “Class B” liquor retail license to provide and make retail sales of liquor on the racetrack grounds. The licensed caterer may provide or makes sales of beer or liquor, whichever is applicable, on racetrack grounds even if the racetrack grounds are neither of the following: (1) part of the caterer’s licensed premises; nor (2) in the municipality that issued the caterer’s Class “B” beer or “Class B” liquor retail license. Under the act, a caterer is prohibited from providing beer or liquor at any designated camping area on racetrack grounds while the area is in use for camping or from providing beer or liquor on any premises covered by a Class “B” beer or “Class B” liquor permit issued for the racetrack grounds.

Effective date: June 21, 2021

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¹ The act defines “racetrack grounds” to mean “real property consisting of at least 300 acres containing a motor vehicle racetrack at least 4 miles in length capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack.”