



## 2021 SENATE BILL 56

February 2, 2021 - Introduced by Senators STROEBEL, ROYS and L. TAYLOR, cosponsored by Representatives TAUCHEN, DUCHOW, DOYLE, KURTZ, MILROY, L. MYERS, NEUBAUER, NOVAK, THIESFELDT, WITTKE and SHANKLAND. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1     **AN ACT** *to renumber and amend* 125.25 (3), 125.26 (3), 125.272, 125.51 (2) (c),  
2           125.51 (3) (d) and 125.51 (6); *to amend* 125.02 (20), 125.26 (2u), 125.26 (2w),  
3           125.26 (2x), 125.51 (3) (bu), 125.51 (3) (bw) and 125.51 (3) (bx); and *to create*  
4           125.10 (6), 125.272 (2) and 125.51 (6) (b) of the statutes; **relating to:** remote  
5           orders for the sale of alcohol beverages to be picked up on retail licensed  
6           premises.

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### *Analysis by the Legislative Reference Bureau*

This bill allows most alcohol beverage retailers to make online or telephone sales of alcohol beverages to be picked up by the customer at parking spaces that are part of the retail licensed premises. The bill also prohibits municipalities from imposing by ordinance additional restrictions on these sales.

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. Class "A" and "Class A" licenses authorize the retail sale of, respectively, fermented malt beverages (beer) and intoxicating liquor in original packages for consumption off the licensed premises. Intoxicating liquor includes wine and distilled spirits. A Class "B" license authorizes the retail sale of beer for consumption on or off the premises. Except when issued to a winery, a "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to certain restrictions, the retail sale of intoxicating liquor in original

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packages for consumption off the licensed premises. Each of these retail licenses is issued by a municipality.

Under current law, a retail license authorizes only face-to-face sales of alcohol beverages to consumers on the licensed premises. The sale to the consumer on the licensed premises is governed by certain requirements, including that the purchaser be of legal drinking age and that the sale be made only during certain hours. The licensed premises on which the sale occurs must be particularly described in the retail license issued by the municipality, and each applicant for a retail license must identify in the application the premises where alcohol beverages will be sold.

This bill provides that, if a Class "A", "Class A", Class "B", or "Class B" licensee receives a remote order for alcohol beverages that the consumer will pick up at a parking space that is part of the retailer's licensed premises, the sale of alcohol beverages occurs at the time the consumer takes possession of the alcohol beverages at the parking space, regardless of when the consumer makes payment. The bill defines "remote order" as an order for the sale of alcohol beverages that is placed by telephone or Internet by a consumer who asserts at the time of placing the order that he or she is at least 21 years of age. A Class "B" or "Class B" licensee may sell alcohol beverages by remote order only for consumption off the licensed premises. The bill also specifies that licensed premises identified in the retail license may include parking spaces associated with a structure described as licensed premises, even if the parking spaces are not contiguous with the remainder of the licensed premises. The bill also prohibits municipalities from adopting ordinances that impose additional restrictions on alcohol beverage sales made by these retailers pursuant to remote orders.

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

1           **SECTION 1.** 125.02 (20) of the statutes is amended to read:

2           125.02 (20) "Sell", Subject to ss. 125.272 (2) (b) and (c) and 125.51 (6) (b) 2. and  
3           3., "sell," "sold", "sale," or "selling" means any transfer of alcohol beverages with  
4           consideration or any transfer without consideration if knowingly made for purposes  
5           of evading the law relating to the sale of alcohol beverages or any shift, device,  
6           scheme or transaction for obtaining alcohol beverages, including the solicitation of  
7           orders for, or the sale for future delivery of, alcohol beverages.

8           **SECTION 2.** 125.10 (6) of the statutes is created to read:

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1           125.10 (6) REMOTE ORDERS OF ALCOHOL BEVERAGES. (a) Notwithstanding sub.  
2 (1), and subject to par. (b), a municipality may not prescribe additional regulations  
3 for, or impose additional restrictions relating to, sales of alcohol beverages made  
4 pursuant to remote order, as defined in s. 125.272 (2) (a), by Class “A”, “Class A”,  
5 Class “B”, or “Class B” licensees. An ordinance that is inconsistent with this  
6 paragraph may not be enforced.

7           (b) Paragraph (a) does not limit a municipality’s authority to adopt ordinances  
8 of general application that apply to all sales by a retail licensee, including ordinances  
9 adopted under ss. 125.32 (3) (d) and 125.68 (4) (b) and (c) 3.

10           **SECTION 3.** 125.25 (3) of the statutes is renumbered 125.25 (3) (a) and amended  
11 to read:

12           125.25 (3) (a) Class “A” licenses shall particularly describe the premises for  
13 which issued and. The premises for a Class “A” license may include, if described in  
14 the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated  
15 with any structure described as licensed premises in the license application, even if  
16 the parking spaces are not contiguous with the remainder of the Class “A” licensed  
17 premises.

18           (b) Class “A” licenses are not transferable, except under s. 125.04 (12).

19           (c) A Class “A” license is subject to revocation for violation of any of the terms  
20 or provisions thereof.

21           **SECTION 4.** 125.26 (2u) of the statutes is amended to read:

22           125.26 (2u) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
23 addition to the authorization specified in sub. (1), a Class “B” license issued under  
24 this section to a caterer also authorizes the caterer to provide fermented malt  
25 beverages, including their retail sale, at the National Railroad Museum in Green

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1 Bay during special events held at this museum. Notwithstanding sub. (1), a caterer  
2 may provide fermented malt beverages under this subsection at any location at the  
3 National Railroad Museum even though the National Railroad Museum is not part  
4 of the caterer's licensed premises, as described under sub. (3) (a) in the caterer's  
5 Class "B" license, and even if the National Railroad Museum is not located within the  
6 municipality that issued the caterer's Class "B" license. A caterer that provides  
7 fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the  
8 fermented malt beverages were provided on the caterer's Class "B" licensed  
9 premises. This subsection does not authorize the National Railroad Museum to sell  
10 fermented malt beverages at retail or to procure or stock fermented malt beverages  
11 for purposes of retail sale. This subsection does not apply if, at any time, the National  
12 Railroad Museum holds a Class "B" license.

13 **SECTION 5.** 125.26 (2w) of the statutes is amended to read:

14 125.26 (2w) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
15 addition to the authorization specified in sub. (1), a Class "B" license issued under  
16 this section to a caterer also authorizes the caterer to provide fermented malt  
17 beverages, including their retail sale, at the Heritage Hill state park during special  
18 events held at this park. Notwithstanding sub. (1), a caterer may provide fermented  
19 malt beverages under this subsection at any location at the Heritage Hill state park  
20 even though the Heritage Hill state park is not part of the caterer's licensed  
21 premises, as described under sub. (3) (a) in the caterer's Class "B" license, and even  
22 if the Heritage Hill state park is not located within the municipality that issued the  
23 caterer's Class "B" license. A caterer that provides fermented malt beverages under  
24 this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were  
25 provided on the caterer's Class "B" licensed premises. This subsection does not

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1 authorize the Heritage Hill state park to sell fermented malt beverages at retail or  
2 to procure or stock fermented malt beverages for purposes of retail sale. This  
3 subsection does not apply if, at any time, the Heritage Hill state park holds a Class  
4 “B” license.

5 **SECTION 6.** 125.26 (2x) of the statutes is amended to read:

6 125.26 (2x) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
7 addition to the authorization specified in sub. (1), a Class “B” license issued under  
8 this section also authorizes the licensee to provide fermented malt beverages,  
9 including their retail sale, at specific locations within the Ozaukee County  
10 fairgrounds for consumption at these locations during special events held at the  
11 fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee  
12 and if the licensee’s Class “B” licensed premises are located in Ozaukee County.  
13 Notwithstanding sub. (1), a licensee may provide fermented malt beverages under  
14 this subsection at the Ozaukee County fairgrounds even though the Ozaukee County  
15 fairgrounds are not part of the licensee’s licensed premises, as described under sub.  
16 (3) (a) in the licensee’s Class “B” license, and even if the Ozaukee County fairgrounds  
17 are not located within the municipality that issued the Class “B” license. A licensee  
18 that provides fermented malt beverages under this subsection is subject to s. 125.32  
19 (2) as if the fermented malt beverages were provided on the licensee’s Class “B”  
20 licensed premises. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver  
21 fermented malt beverages to the Ozaukee County fairgrounds to a licensee approved  
22 by the Ozaukee County board under this subsection and such an approved licensee  
23 may transport fermented malt beverages from its licensed premises to the Ozaukee  
24 County fairgrounds for purposes of selling the fermented malt beverages at the  
25 Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County

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1 or any person operating or managing the Ozaukee County fairgrounds to sell  
2 fermented malt beverages at retail or to procure or stock fermented malt beverages  
3 for purposes of retail sale.

4 **SECTION 7.** 125.26 (3) of the statutes is renumbered 125.26 (3) (a) and amended  
5 to read:

6 125.26 (3) (a) Class “B” licenses shall particularly describe the premises for  
7 which issued ~~and~~. The premises for a Class “B” license may include, if described in  
8 the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated  
9 with any structure described as licensed premises in the license application, even if  
10 the parking spaces are not contiguous with the remainder of the Class “B” licensed  
11 premises.

12 (b) Class “B” licenses are not transferable, except as provided in s. 125.04 (12).

13 (c) A Class “B” license is subject to revocation for violation of any of the terms  
14 or provisions thereof.

15 **SECTION 8.** 125.272 of the statutes is renumbered 125.272 (1) and amended to  
16 read:

17 125.272 (1) Except as provided in ss. 125.26 (2m), (2s), and (2x) and 125.27 (4)  
18 and except with respect to caterers, and subject to sub. (2), a retail license issued  
19 under s. 125.25 or 125.26, and a retail permit issued under s. 125.27, authorizes only  
20 face-to-face sales to consumers at the premises described in the retail license or  
21 permit.

22 **SECTION 9.** 125.272 (2) of the statutes is created to read:

23 125.272 (2) (a) In this subsection, “remote order” means an order for the sale  
24 of alcohol beverages that is placed by telephone or Internet by a consumer who

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1 asserts at the time of placing the order that he or she has attained the legal drinking  
2 age.

3 (b) If a Class “A” licensee receives a remote order for fermented malt beverages  
4 that the consumer will pick up at a parking space that is part of the Class “A” licensed  
5 premises, the sale of fermented malt beverages occurs at the time the consumer takes  
6 possession of the fermented malt beverages at the parking space that is part of the  
7 Class “A” licensed premises, regardless of when the consumer makes payment for the  
8 fermented malt beverages.

9 (c) If a Class “B” licensee receives a remote order for fermented malt beverages  
10 that the consumer will pick up at a parking space that is part of the Class “B” licensed  
11 premises, the sale of fermented malt beverages occurs at the time the consumer takes  
12 possession of the fermented malt beverages at the parking space that is part of the  
13 Class “B” licensed premises, regardless of when the consumer makes payment for the  
14 fermented malt beverages. Notwithstanding s. 125.26 (1), a Class “B” licensee’s sale  
15 of fermented malt beverages made by remote order under this paragraph is  
16 authorized only for consumption off the licensed premises.

17 **SECTION 10.** 125.51 (2) (c) of the statutes is renumbered 125.51 (2) (c) 1. and  
18 amended to read:

19 125.51 (2) (c) 1. “Class A” licenses shall particularly describe the premises for  
20 which issued ~~and~~. The premises for a “Class A” license may include, if described in  
21 the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated  
22 with any structure described as licensed premises in the license application, even if  
23 the parking spaces are not contiguous with the remainder of the “Class A” licensed  
24 premises.

25 2. “Class A” licenses are not transferable, except as provided in s. 125.04 (12).

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1           **SECTION 11.** 125.51 (3) (bu) of the statutes is amended to read:

2           125.51 (3) (bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
3 addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b), a “Class  
4 B” license issued under sub. (1) to a caterer also authorizes the caterer to provide  
5 intoxicating liquor, including its retail sale, at the National Railroad Museum in  
6 Green Bay during special events held at this museum. Notwithstanding subs. (1) (a)  
7 and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph  
8 at any location at the National Railroad Museum even though the National Railroad  
9 Museum is not part of the caterer’s licensed premises, as described under par. (d) 1.  
10 in the caterer’s “Class B” license, and even if the National Railroad Museum is not  
11 located within the municipality that issued the caterer’s “Class B” license. A caterer  
12 that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as  
13 if the intoxicating liquor were provided on the caterer’s “Class B” licensed premises.  
14 This paragraph does not authorize the National Railroad Museum to sell  
15 intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of  
16 retail sale. This paragraph does not apply if, at any time, the National Railroad  
17 Museum holds a “Class B” license.

18           **SECTION 12.** 125.51 (3) (bw) of the statutes is amended to read:

19           125.51 (3) (bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
20 addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class  
21 B” license issued under sub. (1) to a caterer also authorizes the caterer to provide  
22 intoxicating liquor, including its retail sale, at the Heritage Hill state park during  
23 special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a),  
24 a caterer may provide intoxicating liquor under this paragraph at any location at the  
25 Heritage Hill state park even though the Heritage Hill state park is not part of the



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1 caterer's licensed premises, as described under par. (d) 1. in the caterer's "Class B"  
2 license, and even if the Heritage Hill state park is not located within the municipality  
3 that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor  
4 under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were  
5 provided on the caterer's "Class B" licensed premises. This paragraph does not  
6 authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure  
7 or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply  
8 if, at any time, the Heritage Hill state park holds a "Class B" license.

9 **SECTION 13.** 125.51 (3) (bx) of the statutes is amended to read:

10 125.51 (3) (bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in  
11 addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class  
12 B" license issued under sub. (1) also authorizes the licensee to provide intoxicating  
13 liquor, including its retail sale, at specific locations within the Ozaukee County  
14 fairgrounds for consumption at these locations during special events held at the  
15 fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee  
16 and if the licensee's "Class B" licensed premises are located in Ozaukee County.  
17 Notwithstanding pars. (a) and (b) and sub. (1) (a), a licensee may provide intoxicating  
18 liquor under this paragraph at the Ozaukee County fairgrounds even though the  
19 Ozaukee County fairgrounds are not part of the licensee's licensed premises, as  
20 described under par. (d) 1. in the licensee's "Class B" license, and even if the Ozaukee  
21 County fairgrounds are not located within the municipality that issued the licensee's  
22 "Class B" license. A licensee that provides intoxicating liquor under this paragraph  
23 is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the licensee's  
24 "Class B" licensed premises. This paragraph does not authorize Ozaukee County or  
25 any person operating or managing the Ozaukee County fairgrounds to sell

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1 intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of  
2 retail sale.

3 **SECTION 14.** 125.51 (3) (d) of the statutes is renumbered 125.51 (3) (d) 1. and  
4 amended to read:

5 125.51 (3) (d) 1. “Class B” licenses shall particularly describe the premises for  
6 which issued and. The premises for a “Class B” license may include, if described in  
7 the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated  
8 with any structure described as licensed premises in the license application, even if  
9 the parking spaces are not contiguous with the remainder of the “Class B” licensed  
10 premises.

11 2. “Class B” licenses are not transferable, except as provided in s. 125.04 (12).

12 **SECTION 15.** 125.51 (6) of the statutes is renumbered 125.51 (6) (a) and  
13 amended to read:

14 125.51 (6) (a) Except as provided in subs. (3) (bm), (bs), and (bx) and (5) (e) and  
15 except with respect to caterers, and subject to par. (b), a retail license or permit issued  
16 under this section authorizes only face-to-face sales to consumers at the premises  
17 described in the retail license or permit.

18 **SECTION 16.** 125.51 (6) (b) of the statutes is created to read:

19 125.51 (6) (b) 1. In this paragraph, “remote order” has the meaning given in s.  
20 125.272 (2) (a).

21 2. If a “Class A” licensee receives a remote order for intoxicating liquor that the  
22 consumer will pick up at a parking space that is part of the “Class A” licensed  
23 premises, the sale of intoxicating liquor occurs at the time the consumer takes  
24 possession of the intoxicating liquor at the parking space that is part of the “Class

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1 A” licensed premises, regardless of when the consumer makes payment for the  
2 intoxicating liquor.

3 3. If a “Class B” licensee receives a remote order for intoxicating liquor that the  
4 consumer will pick up at a parking space that is part of the “Class B” licensed  
5 premises, the sale of intoxicating liquor occurs at the time the consumer takes  
6 possession of the intoxicating liquor at the parking space that is part of the “Class  
7 B” licensed premises, regardless of when the consumer makes payment for the  
8 intoxicating liquor. Notwithstanding sub. (3) (a) to (b), a “Class B” licensee’s sale of  
9 intoxicating liquor made by remote order under this subdivision is authorized only  
10 for consumption off the licensed premises. This subdivision does not affect any  
11 restriction under sub. (3) (a) to (b) on a “Class B” licensee’s authorization to sell  
12 intoxicating liquor for consumption off the licensed premises.

13

(END)