

1989 Assembly Bill 265

Date of enactment: **July 27, 1989**  
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## 1989 WISCONSIN ACT 30

AN ACT to renumber and amend 125.69 (1) (c); to amend 125.51 (1) (a), 125.51 (3) (a) and (b), 125.51 (3) (f) and (4) (a) 1, 125.53 (1), 125.68 (4) (c) 1 and 3 and 125.69 (1) (a) and (b) 1; and to create 125.51 (3) (am), 125.68 (4) (c) 3m, 125.69 (1) (b) 4 and 125.69 (1) (c) 1 to 3 of the statutes, relating to: a license permitting the sale of wine in wineries.

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

**SECTION 1.** 125.51 (1) (a) of the statutes is amended to read:

125.51 (1) (a) Every municipal governing body may grant and issue "Class A" and "Class B" licenses for retail sales of intoxicating liquor from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper. No "Class B" license may be issued to a winery under sub. (3) (am) unless the winery has been issued a permit under s. 125.53 and the winery is capable of producing at least 5,000 gallons of wine per year in no more than 2 locations.

**SECTION 2.** 125.51 (3) (a) and (b) of the statutes are 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. 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.

(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 also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. 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 3.** 125.51 (3) (am) of the statutes is created 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 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) (f) and (4) (a) 1. of the statutes are amended to read:

125.51 (3) (f) A "Class B" license may be issued only to a holder of a retail Class "B" license to sell fermented malt beverages unless the "Class B" license is the kind of "Class B" license specified under par. (am).

(4) (a) 1. "License" means a retail "Class B" license issued under sub. (3) but does not include a "Class B" license issued to wineries under sub. (3) (am).

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**SECTION 5.** 125.53 (1) of the statutes is amended to read:

125.53 (1) The department shall issue only to a manufacturing winery in this state a winery permit authorizing the manufacture and bottling of wine on the premises covered by the permit for sale at wholesale to other licensees or permittees. A permittee under this section may offer on the premises taste samples of wine manufactured on the premises to persons who have attained the legal drinking age. A permittee under this section may also have either a "Class A" or "Class B" license, but not both. If a "Class A" or "Class B" liquor license has also been issued to the winery, ~~taste samples may be offered only in areas or rooms not included as part of the "Class A" premises, but taste samples may be offered in an area or room adjoining or connected with the "Class A" premises. No taste samples may be offered if a "Class A" license has been issued for the entire the winery may offer the taste samples on the "Class A" or "Class B" premises.~~

**SECTION 5g.** 125.68 (4) (c) 1. and 3. of the statutes are amended to read:

125.68 (4) (c) 1. No premises for which a "Class B" license or permit has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises. A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision. This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

**SECTION 5r.** 125.68 (4) (c) 3m of the statutes is created to read:

125.68 (4) (c) 3m. No premises for which a "Class B" license has been issued under s. 125.51 (3) (am) may

remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

**SECTION 6.** 125.69 (1) (a) and (b) 1. of the statutes are amended to read:

125.69 (1) (a) No intoxicating liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any "Class A" license or establishment and no "Class A" licensee may hold any direct or indirect interest in a wholesale permit or establishment, except that a winery that has a permit under s. 125.53 may have an ownership interest in a "Class A" license and except that permits and licenses issued before October 3, 1963, which would after that date be a violation of this restriction, shall be renewed unless other cause is shown for the nonrenewal.

(b) 1. Except as provided under subds. 2 ~~and 3~~ to 4, no intoxicating liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any "Class B" license or permit or establishment and no "Class B" licensee or permittee may hold any direct or indirect interest in a wholesale permit or establishment.

**SECTION 7.** 125.69 (1) (b) 4. of the statutes is created to read:

125.69 (1) (b) 4. A winery that has a permit under s. 125.53 may have an ownership interest in a "Class B" license issued under s. 125.51 (3) (am).

**SECTION 8.** 125.69 (1) (c) of the statutes is renumbered 125.69 (1) (c) (intro.) and amended to read:

125.69 (1) (c) (intro.) No manufacturer, whether located within or without this state, may hold any direct or indirect interest in any wholesale permit or establishment, except as provided in s. 125.53, and except that a manufacturer that is also a brewer may hold a permit issued under s. 125.54 for the wholesale sale of wine only. This paragraph does not prohibit any of the following persons from obtaining a permit under s. 125.65:

**SECTION 9.** 125.69 (1) (c) 1. to 3. of the statutes are created to read:

125.69 (1) (c) 1. An employe of a person who has been issued a permit under s. 125.53.

2. A licensee who was issued a "Class B" license under s. 125.51 (3) (am).

3. A "Class A" licensee who has also been issued a permit under s. 125.53.