



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 62
[2015 Senate Bill 236]

**Temporary Alcohol Beverage Retail
Licenses**

BACKGROUND

Current law, unchanged by the Act, prohibits a person from selling alcohol beverages at retail unless the person holds a regular or temporary retail license issued by the municipality where the sale occurs. The type of license that a licensee holds determines the type of alcohol beverages that a licensee may sell, as well as whether a licensee may sell alcohol beverages for consumption on the premises where they are sold (such as at a bar) or off-premises (such as at a grocery store). To sell alcohol beverages for on-premises consumption, a Class “B” license is required in order to sell beer, and a “Class B” license is required in order to sell intoxicating liquor, such as wine.

2015 WISCONSIN ACT 62

2015 Act 62 makes several changes relating to a municipality’s authority to issue a temporary alcohol beverage retail license, as described in the following sections.

Eligibility of Organizations to Receive a Temporary Alcohol Beverage Retail License

Prior law authorized a municipality to issue a temporary Class “B” (beer) or “Class B” (intoxicating liquor) license to a club, fair association, agricultural society, church, veterans’ organization, or lodge for an event hosted by the organization.

The Act adds chambers of commerce and similar civic or trade organizations to the list of organizations to which a municipality may issue a temporary license.

Prior law generally required a licensee to hold a Class “B” (beer) license in order to receive a “Class B” (intoxicating liquor) license. **The Act** creates an exception to this requirement for temporary “Class B” (intoxicating liquor) licenses.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

Temporary “Class B” Licenses for Multi-Location Single-Day Events

Prior law prohibited a municipality from issuing more than two temporary “Class B” (intoxicating liquor) licenses to the same organization during a 12-month period. Because statutes require that a license be issued for each premises where alcohol is served, this prohibited an organization from hosting an event, such as a “wine walk,” in which alcohol is served in multiple locations.

The Act creates an exception to the limit on the number of temporary “Class B” licenses that a municipality may issue to an organization. **The Act** allows a municipality to issue one organization up to 20 temporary “Class B” (intoxicating liquor) licenses for a single day, multi-location event, if an admission fee is charged for participation in the event, and no additional fee is charged for service of alcohol at the event.

Under **the Act**, a licensee may receive temporary licenses for up to two events during a 12-month period, and a municipality may issue temporary licenses for a total of up to two events during a 12-month period.

The Act specifies that no person may serve wine after 9:00 p.m. on premises for which a temporary “Class B” (intoxicating liquor) license is issued in connection with a multi-location event that meets the criteria described above.

Fee for a Temporary “Class B” Alcohol Beverage Retail License

Prior law required municipalities to charge a fee of \$10 per temporary “Class B” (intoxicating liquor) alcohol beverage retail license. **The Act** authorizes a municipality to charge a fee in any amount up to \$10.

Issuing a Temporary Class “B” License for Premises Where Other Business is Conducted

Prior law prohibited a municipality from issuing a Class “B” (beer) license for premises where other business is conducted. **The Act** creates an exception that allows a temporary Class “B” (beer) license to be issued for a premises where other business is conducted if the license is for a multi-location, single-day event for which an admission fee is charged and no additional fee is charged for service of alcohol at the event.

Allowing Underage Persons on Premises to Serve as Designated Drivers

Statutes, unchanged by the Act, generally prohibit an underage person from being on any premises for which a license for the retail sale of alcohol beverages has been issued, unless he or she is accompanied by a parent, guardian, or spouse who has attained the legal drinking age. However, statutes authorize a municipality issuing a temporary Class “B” (beer) license to authorize a licensee to permit underage persons to be on the premises for which a license is issued.

The Act authorizes a municipality issuing a temporary “Class B” (intoxicating liquor) license to authorize a licensee to permit unaccompanied underage persons to be on the licensee’s premises if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee.

Operator's (Bartender's) License

The recipient of a temporary alcohol beverage retail license generally must have a person with an operator's license, commonly referred to as a "bartender's license," present on the premises to serve or supervise the serving of alcohol. A person who is employed by a nonprofit organization or who is donating his or her services to the organization for an event, may receive a temporary operator's license.

Prior law prohibited a person from receiving more than one temporary operator's license per year. **The Act** increases the number of temporary operator's licenses that a person may hold during one year from one license to two licenses.

Requirement That the Department of Revenue Update its Publication

The Act contains a nonstatutory requirement that the Department of Revenue update the discussion of "wine walks" in its Publication 302 "Wisconsin Alcohol Beverage and Tobacco Laws for Retailers," to reflect statutory changes made by the Act.

Effective date: The Act took effect on October 23, 2015, except that the nonstatutory requirements take effect on December 1, 2015.

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October 27, 2015

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