



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 106

Assembly Amendment 1

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Current law provides as follows:

- No person may procure for, sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
- No person holding a license or permit under ch. 125, Stats., relating to alcohol beverages, may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by a parent, guardian, or spouse who has attained the legal drinking age.
- No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This provision does not apply to alcohol beverages used exclusively as part of a religious service.
- No adult may intentionally encourage or contribute to an underage drinking violation.

Under current law, any underage person who does any of the following is guilty of a violation:

- Procures or attempts to procure alcohol beverages from a person holding a license or permit under ch. 125, Stats.
- Unless accompanied by a parent, guardian, or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

- Enters or knowingly attempts to enter or is on a licensed premises in violation of current law.*
- Falsely represents his or her age for the purpose of receiving alcohol beverages from a person holding a license or permit under ch. 125, Stats.

In addition, any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation. There are exceptions under which an underage person may possess alcohol beverages in the course of his or her employment.

Assembly Bill 106 modifies current law so that no person holding a license or permit under ch. 125, Stats., may sell, vend, deal, or traffic in alcohol beverages to or with any underage person ***unless the underage person is at least 18 years of age and*** is accompanied by a parent, guardian, or spouse who has attained the legal drinking age. A person holding a license could be, for example, a tavern or restaurant owner who holds a retail license or a bartender who holds an operator's license.

The bill also modifies the provision relating to an underage person possessing or consuming alcohol ***on licensed premises*** so that an underage person may not possess or consume alcohol beverages on licensed premises unless the underage person is accompanied by a parent, guardian, or spouse ***and is at least 18 years of age.***

Assembly Amendment 1 provides that no person may procure for, sell, dispense, or give away any alcohol beverages to any underage person unless the underage person is accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age ***and, if on licensed premise, including a tavern, the underage person is at least 18 years of age.*** This provision applies to a person who does not hold a license but is serving alcohol under the supervision of a bartender who holds an operator's license or to any other person, including, arguably, a parent, who buys an alcohol beverage at a tavern or other licensed premises and gives it to an underage person who is under 18 years of age.

Legislative History

Representative Hixon offered Assembly Amendment 1 on October 15, 2009. On October 22, the Assembly Committee on Urban and Local Affairs voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 7; Noes, 0; Absent, 1. The committee recommended passage of Assembly Bill 106, as amended, by a vote of Ayes, 5; Noes, 3; Absent, 1.

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* Under current law, an underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving, or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. There are several exceptions to this provision. This provision is not affected by Senate Bill 30.