



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2017 Assembly Bill 433	Assembly Substitute Amendment 1, as Amended
<i>Memo published:</i> February 21, 2018	<i>Contact:</i> Anna Henning, Senior Staff Attorney

2017 ASSEMBLY BILL 433

Current law authorizes a winery to obtain a “Class B” liquor retail license for the sale of wine only. Under current law, a winery holding a “Class B” liquor license may not remain open for the sale of wine between the hours of 9:00 p.m. and 8:00 a.m. [s. 125.68 (4) (c), 3m., Stats.]

2017 Assembly Bill 433 modifies the hours in which a winery holding a “Class B” license may remain open for sales of wine. Under the bill, a winery may not remain open for the sale of wine between midnight and 8:00 a.m., unless a municipality imposes more restrictive hours by ordinance.

**ASSEMBLY SUBSTITUTE AMENDMENT 1, AS AMENDED BY ASSEMBLY AMENDMENT 1
TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

As amended by Assembly Amendment 1, Assembly Substitute Amendment 1 retains the change in the bill relating to winery hours, with a modification to prohibit a municipality from designating an earlier closing time than applies under current state law. Specifically, under the substitute amendment, as amended, a winery may not remain open for the sale of wine between midnight and 8:00 a.m., except that a municipality may impose more restrictive hours, if the more restrictive hours do not require closing earlier than 9:00 p.m.

In addition to the change relating to winery hours, the substitute amendment makes several new changes to current law relating to sales of alcohol beverages. First, for “Class B” retail liquor licensees other than wineries, the substitute amendment eliminates a four-liter limit on retail sales of distilled spirits for off-premises consumption.

Second, with some exceptions, current law prohibits a person who is in charge of a public place¹ from permitting the consumption of alcohol beverages on the premises of that public place, unless the person has an appropriate retail license or permit. The substitute amendment clarifies that the prohibition applies to all property that is open to the public, and not only licensed premises.

Finally, the substitute amendment extends the scope of the prohibition described in the previous paragraph to apply it, in certain circumstances, to an owner or person in charge of property on which private events are held. Specifically, if an owner or person in charge of property that is not a public place receives payment for the temporary use of the property by another person for a specific event, the substitute amendment prohibits that owner or person from permitting the consumption of alcohol beverages on the property, unless the person has an appropriate retail license or permit. A likely practical effect of that change appears to be that private events such as weddings, fundraisers, and parties could not include alcohol beverage consumption if they are held on rented, unlicensed premises.

BILL HISTORY

Representative Vorpapel offered Assembly Substitute Amendment 1 on February 12, 2018 and Assembly Amendment 1 to Assembly Substitute Amendment 1 on February 15, 2018. On February 20, 2018, the Assembly Committee on State Affairs voted to recommend adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Substitute Amendment 1, as amended, and to recommend passage of the bill, as amended, all passed on votes of Ayes, 14; Noes, 0.

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¹ Relying on case law and Attorney General Opinions, the Department of Revenue generally considers the nature of a particular event when determining whether a venue is a “public place” for purpose of alcohol beverage laws. Generally, invite-only events are not currently considered to constitute “public places,” even if they are held in locations that are open to the public at other times.