



1995 ASSEMBLY BILL 462

June 26, 1995 - Introduced by Representatives MURAT, LORGE, SERATTI, SKINDRUD, HAHN, MUSSER, GROTHMAN, REYNOLDS, LEHMAN, ROBSON, FOTI, AINSWORTH and JENSEN, cosponsored by Senators SHIBILSKI and BRESKE. Referred to Committee on State Affairs.

1 **AN ACT to create** 125.33 (2x) of the statutes; **relating to:** the production of
2 fermented malt beverages by a brewer exclusively for a Class "B" licensee.

Analysis by the Legislative Reference Bureau

Under current law, a brewer is prohibited, with certain specific exceptions, from furnishing any fixtures, fittings, equipment, furniture, money or other thing of value to any Class "B" licensee (a tavern, restaurant or other establishment that sells beer to be consumed on or off the licensed premises). This prohibition is interpreted broadly, subject only to the specific exceptions provided by statute. See 61 Opinions of the Attorney General 68, 71, 72 (1972).

This bill creates an exception to the prohibition against a brewer providing things of value to a Class "B" licensee. Under the bill, a brewer may produce a brand of beer exclusively for one Class "B" licensee, or for a group of Class "B" licensees under common ownership or control, if the brewer produces less than 150,000 barrels of beer per calendar year and sells the exclusive brand through a wholesaler that ordinarily does business in the territory of the purchasing Class "B" licensee.

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

3 **SECTION 1.** 125.33 (2x) of the statutes is created to read:
4 125.33 (2x) EXCEPTION FOR PRODUCTION OF EXCLUSIVE BRANDS BY CERTAIN
5 BREWERS. Notwithstanding the prohibitions in sub. (1), a brewer may produce a
6 brand of its fermented malt beverages for the exclusive sale by one Class "B" licensee

1 or by a group of Class "B" licensees affiliated through common ownership,
2 management or control, if all of the following apply:

3 (a) The brewer produces less than 150,000 barrels of fermented malt beverages
4 in the calendar year in which the brand of fermented malt beverages is produced.

5 (b) The fermented malt beverage is sold to the Class "B" licensee, or to each
6 Class "B" licensee that is a member of the group of Class "B" licensees, by a
7 wholesaler that ordinarily does business in the territory in which the Class "B"
8 licensee is located.

9 (END)