



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4319/1  
ARG:kjf

## 2017 SENATE BILL 428

October 9, 2017 - Introduced by Senators STROEBEL and MARKLEIN, cosponsored by Representatives GANNON, FIELDS, HORLACHER, JACQUE, TAUCHEN, BERCEAU, BALLWEG, THIESFELDT, SKOWRONSKI, E. BROOKS and DUCHOW. Referred to Committee on Revenue, Financial Institutions and Rural Issues.

1     **AN ACT to amend** 125.26 (6), 125.33 (9), 125.51 (10) (a), 125.69 (6) (a) and 125.69  
2           (6) (c) of the statutes; **relating to:** the source of supply for temporary retail  
3           alcohol beverage licensees.

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***Analysis by the Legislative Reference Bureau***

This bill allows a temporary retail alcohol beverage licensee to obtain the beer or wine to be sold to consumers under the license from another retailer rather than a wholesaler.

Current law authorizes municipalities to issue temporary Class "B" and "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by these organizations. Unless a specific statutory exception applies, a person issued a temporary retail license is subject to the same requirements as other retail licensees. Among these requirements, a retail licensee may not purchase beer or wine from any person other than a wholesaler.

This bill allows a temporary Class "B" or "Class B" retail licensee to purchase, respectively, beer or wine from another retail licensee.

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

**SENATE BILL 428****SECTION 1**

1           **SECTION 1.** 125.26 (6) of the statutes is amended to read:

2           125.26 (6) Temporary Class “B” licenses may be issued to bona fide clubs and  
3 chambers of commerce, to county or local fair associations or agricultural societies,  
4 to churches, lodges or societies that have been in existence for at least 6 months  
5 before the date of application, and to posts of veterans organizations authorizing the  
6 sale of fermented malt beverages at a particular picnic or similar gathering, at a  
7 meeting of the post, or during a fair conducted by the fair association or agricultural  
8 society. The amount of the fee for the license shall be determined by the municipal  
9 governing body issuing the license but may not exceed \$10. An official or body  
10 authorized by a municipal governing body to issue temporary Class “B” licenses may,  
11 upon issuance of any temporary Class “B” license, authorize the licensee to permit  
12 underage persons to be on the premises for which the license is issued. A license  
13 issued to a county or district fair licenses the entire fairgrounds where the fair is  
14 being conducted and all persons engaging in retail sales of fermented malt beverages  
15 from leased stands on the fairgrounds. The county or district fair to which the license  
16 is issued may lease stands on the fairgrounds to persons who may engage in retail  
17 sales of fermented malt beverages from the stands while the fair is being held. A  
18 municipal governing body may issue a temporary Class “B” license for premises that  
19 are covered by a “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant  
20 meets the requirements of this subsection. If a license is issued under this subsection  
21 to a fair association solely for the purpose of conducting on the licensed premises  
22 fermented malt beverages judging or tasting events involving servings of fermented  
23 malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to  
24 these licensed premises. The licensee may purchase fermented malt beverages, and  
25 possess fermented malt beverages purchased, from a Class “A” or Class “B” licensee.

**SENATE BILL 428**

1           **SECTION 2.** 125.33 (9) of the statutes is amended to read:

2           125.33 **(9)** **CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS.** Except as  
3 provided in ss. 125.26 (6), 125.29 (3m) (b) and (c), 125.295 (1) (g), and 125.30 (4), no  
4 campus or retail licensee or permittee may purchase or possess fermented malt  
5 beverages purchased from any person other than a wholesaler holding a permit  
6 under this chapter for the sale of fermented malt beverages. Any person who violates  
7 this subsection may be fined not more than \$10,000 or imprisoned for not more than  
8 9 months or both.

9           **SECTION 3.** 125.51 (10) (a) of the statutes is amended to read:

10           125.51 **(10)** (a) Notwithstanding s. 125.68 (3), temporary “Class B” licenses  
11 may be issued to bona fide clubs and chambers of commerce, to county or local fair  
12 associations or agricultural societies, to churches, lodges, or societies that have been  
13 in existence for at least 6 months before the date of application, and to posts of  
14 veterans’ organizations authorizing the sale of wine in an original package,  
15 container, or bottle or by the glass if the wine is dispensed directly from an original  
16 package, container, or bottle at a particular picnic or similar gathering, at a meeting  
17 of the post, or during a fair conducted by the fair association or agricultural society.  
18 The amount of the fee for the license shall be determined by the municipal governing  
19 body issuing the license but may not exceed \$10, except that no fee may be charged  
20 to a person who at the same time applies for a temporary Class “B” license under s.  
21 125.26 (6) for the same event. A license issued to a county or district fair licenses the  
22 entire fairgrounds where the fair is being conducted and all persons engaging in  
23 retail sales of wine from leased stands on the fairgrounds. The county or district fair  
24 to which the license is issued may lease stands on the fairgrounds to persons who  
25 may engage in retail sales of wine from the stands while the fair is being held. If a

**SENATE BILL 428****SECTION 3**

1 county or district fair leases any stand to a winery holding a permit under s. 125.53,  
2 in addition to making retail sales of wine from the leased stand, the winery may  
3 provide taste samples anywhere on the fairgrounds of wine manufactured by the  
4 winery. If a license is issued under this paragraph to a fair association solely for the  
5 purpose of conducting on the licensed premises wine judging or tasting events  
6 involving servings of wine no greater than one fluid ounce each, s. 125.68 (2) does not  
7 apply to these licensed premises. Except as provided in par. (b), not more than 2  
8 licenses may be issued under this paragraph to any club, chamber of commerce,  
9 county or local fair association, agricultural association, church, lodge, society, or  
10 veterans post in any 12-month period. The licensee may purchase wine, and possess  
11 wine purchased, from a "Class A" or "Class B" licensee.

12 **SECTION 4.** 125.69 (6) (a) of the statutes is amended to read:

13 125.69 (6) (a) No Except as provided in s. 125.51 (10) (a), no campus or retail  
14 licensee or permittee may purchase intoxicating liquor from, or possess intoxicating  
15 liquor purchased from, any person other than a wholesaler holding a permit under  
16 this chapter for the sale of intoxicating liquor.

17 **SECTION 5.** 125.69 (6) (c) of the statutes is amended to read:

18 125.69 (6) (c) Notwithstanding Except as provided in s. 125.51 (10) (a), and  
19 notwithstanding par. (b), a "Class B" licensee who purchases intoxicating liquor from  
20 a "Class A" licensee for resale or who possesses intoxicating liquor purchased from  
21 a "Class A" licensee for resale may be fined not more than \$100.

22 (END)