



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa1170/1
ARG:wlj

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 71**

January 20, 2022 - Offered by Representative TAUCHEN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 3: on lines 3 and 6, after “service” insert “or wholly owned
3 subsidiary of the licensee”.

4 **2.** Page 3, line 13: after that line insert:

5 “**SECTION 3m.** 125.20 of the statutes is created to read:

6 **125.20 Alcohol delivery permits.** (1) The department shall issue alcohol
7 delivery permits to retail licensees, wholly owned subsidiaries of retail licensees, and
8 3rd-party delivery services that authorize the permittee to deliver alcohol beverages
9 in connection with remote orders under ss. 125.272 (2) and 125.51 (6) (b).

10 (2) An alcohol delivery permit may be issued only to a person who holds a valid
11 certificate issued under s. 73.03 (50). For purposes of s. 125.04 (6) (a) 2., the
12 appointment of an agent for a permittee under this section shall vest authority in the

1 agent with respect to all delivery operations, not limited to activities occurring on the
2 premises covered by the permit.

3 **(3)** A permit issued under this section shall be valid for one year. The annual
4 fee for initial issuance or renewal of the permit shall be \$150 for an applicant that
5 is a retail licensee and \$300 for an applicant that is a 3rd-party delivery service or
6 wholly owned subsidiary of a retail licensee. The fee shall be paid at the time of
7 application for initial issuance or renewal of the permit and shall be refunded to the
8 applicant if the application is denied.”.

9 **3.** Page 4, line 2: after that line insert:

10 “3. “Third-party delivery service” means a delivery service that is independent
11 of a retail licensee and that derives less than 50 percent of its annual revenues
12 associated with food and beverage delivery from the delivery of alcohol beverages.”.

13 **4.** Page 4, line 5: after “125.26” insert “, and the fermented malt beverages are
14 sold in original, unopened packages or containers”.

15 **5.** Page 4, line 6: delete lines 6 to 9 and substitute:

16 “2. The products ordered are delivered to the customer by the licensee, by a
17 wholly owned subsidiary of the licensee, or by a 3rd-party delivery service and the
18 the licensee, wholly owned subsidiary of the licensee, or 3rd-party delivery service
19 holds a permit issued under s. 125.20.”.

20 **6.** Page 4, line 15: delete “and (e)” and substitute “(e), and (em)”.

21 **7.** Page 5, line 8: after that line insert:

22 “(em) An individual may not deliver fermented malt beverages to a customer
23 under this subsection unless the individual completes the delivery during the
24 following hours:

1 1. If the fermented malt beverages were sold by a Class “A” licensee, during
2 hours in which the Class “A” licensee is authorized to sell fermented malt beverages
3 under s. 125.32 (3) (b) or, if more restrictive, during hours established by ordinance
4 by a municipality under s. 125.32 (3) (d).

5 2. If the fermented malt beverages were sold by a Class “B” licensee, during
6 hours in which the Class “B” licensee is authorized to sell fermented malt beverages
7 under s. 125.32 (3) (am) or, if more restrictive, during hours established by ordinance
8 by a municipality under s. 125.32 (3) (d).”.

9 **8.** Page 5, line 9: on lines 9, 16 and 18, after “service” insert “or wholly owned
10 subsidiary of a licensee”.

11 **9.** Page 5, line 18: delete “may” and substitute “shall”.

12 **10.** Page 5, line 20: on lines 20 and 23, delete “may, in its discretion,” and
13 substitute “shall”.

14 **11.** Page 6, line 3: on lines 3 and 8, after “service” insert “or wholly owned
15 subsidiary of a licensee”.

16 **12.** Page 6, line 8: after that line insert:

17 “(i) A person who receives delivery of alcohol beverages under this subsection
18 may not resell the alcohol beverages.

19 (j) Alcohol beverages may not be delivered under this subsection to the licensed
20 premises of a Class “A,” “Class A,” Class “B,” “Class B,” or “Class C” licensee.

21 (k) Nothing in this subsection limits the discretion of a retail licensee, wholly
22 owned subsidiary of a retail licensee, or 3rd-party delivery service to decline in whole
23 or in part to make retail sales by means of remote order, to reject individual remote

1 orders, or to limit, geographically or otherwise, the locations to which remote orders
2 are delivered.

3 (L) A retail licensee that processes and fills remote orders may not do any of
4 the following with respect to fermented malt beverages offered for sale and delivery
5 under this subsection:

6 1. Enter into any agreement with a brewer, brewpub, or wholesaler that
7 restricts, or gives preference with respect to, the availability of any fermented malt
8 beverage brand on the basis that the fermented malt beverages will be offered for
9 sale and delivery under this subsection.

10 2. Charge different prices for fermented malt beverages offered for sale and
11 delivery under this subsection in comparison with the prices charged for the same
12 products sold in a face-to-face transaction under sub. (1). This subdivision does not
13 prohibit the retail licensee from charging an additional fee for delivery.”.

14 **13.** Page 6, line 18: after that line insert:

15 “c. “Third-party delivery service” has the meaning given in s. 125.272 (2) (a)
16 3.”.

17 **14.** Page 6, line 21: after “(3)” insert “, and the intoxicating liquor is sold in
18 original, unopened packages or containers or, if sold by a licensee under sub. (3), in
19 containers sealed, before removal from the licensed premises, with a tamper-evident
20 seal.”.

21 **15.** Page 6, line 22: delete lines 22 to 25 and substitute:

22 “b. The products ordered are delivered to the customer by the licensee, by a
23 wholly owned subsidiary of the licensee, or by a 3rd-party delivery service and the

1 the licensee, wholly owned subsidiary of the licensee, or 3rd-party delivery service
2 holds a permit issued under s. 125.20.”.

3 **16.** Page 7, line 6: delete “and 5.” and substitute “5., and 5m.”.

4 **17.** Page 7, line 24: after that line insert:

5 “5m. An individual may not deliver intoxicating liquor to a customer under this
6 paragraph unless the individual completes the delivery during the following hours:

7 a. If the intoxicating liquor was sold by a “Class A” licensee, during hours in
8 which the “Class A” licensee is authorized to sell intoxicating liquor under s. 125.68
9 (4) (b) or, if more restrictive, during hours established by ordinance by a municipality
10 under s. 125.68 (4) (b).

11 b. If the intoxicating liquor was sold by a “Class B” licensee, during hours in
12 which the “Class B” licensee is authorized to sell intoxicating liquor under s. 125.68
13 (4) (c) 3. or, if more restrictive, during hours established by ordinance by a
14 municipality under s. 125.68 (4) (c) 3., or, if applicable, during hours in which the
15 “Class B” licensee is authorized to sell intoxicating liquor under s. 125.68 (4) (c) 3m.”.

16 **18.** Page 8, line 1: on lines 1, 7, 9, 18 and 23, after “service” insert “or wholly
17 owned subsidiary of a licensee”.

18 **19.** Page 8, line 9: delete “may” and substitute “shall”.

19 **20.** Page 8, line 10: on lines 10 and 13, delete “may, in its”.

20 **21.** Page 8, line 11: on lines 11 and 14, delete “discretion,” and substitute
21 “shall”.

22 **22.** Page 8, line 23: after that line insert:

1 “9. A person who receives delivery of alcohol beverages under this paragraph
2 may not resell the alcohol beverages.

3 10. Alcohol beverages may not be delivered under this paragraph to the
4 licensed premises of a Class “A,” “Class A,” Class “B,” “Class B,” or “Class C” licensee.

5 11. Nothing in this paragraph limits the discretion of a retail licensee, wholly
6 owned subsidiary of a retail licensee, or 3rd-party delivery service to decline in whole
7 or in part to make retail sales by means of remote order, to reject individual remote
8 orders, or to limit, geographically or otherwise, the locations to which remote orders
9 are delivered.

10 12. A retail licensee that processes and fills remote orders may not do any of
11 the following with respect to intoxicating liquor offered for sale and delivery under
12 this paragraph:

13 a. Enter into any agreement with a manufacturer, rectifier, winery, or
14 wholesaler that restricts, or gives preference with respect to, the availability of any
15 intoxicating liquor brand on the basis that the intoxicating liquor will be offered for
16 sale and delivery under this paragraph.

17 b. Charge different prices for intoxicating liquor offered for sale and delivery
18 under this paragraph in comparison with the prices charged for the same products
19 sold in a face-to-face transaction under par. (b). This subd. 12. b. does not prohibit
20 the retail licensee from charging an additional fee for delivery.”.

21 **23.** Page 9, line 7: after “service” insert “or wholly owned subsidiary of the
22 licensee”.

23 **24.** Page 9, line 8: delete “one year” and substitute “3 years”.

24 **25.** Page 9, line 12: after that line insert:

