



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBa0785/1
ARG:wlj&skw

**SENATE AMENDMENT 2,
TO SENATE BILL 268**

November 14, 2023 - Offered by Senator LEMAHIEU.

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

2 **1.** Page 2, line 1: after “enforcement” insert “; creating the Division of Alcohol
3 Beverages attached to the Department of Revenue; the regulation of alcohol
4 beverages and enforcement of alcohol beverage laws; interest restrictions relating to,
5 and authorized activities of, brewers, brewpubs, wineries, manufacturers, rectifiers,
6 wholesalers, and retailers; shipping alcohol beverages by means of fulfillment
7 houses and common carriers; the consumption of alcohol beverages in a public place;
8 creating a no-sale event venue permit; creating an operator’s permit; liquor licenses
9 transferred from one municipality to another; retailers’ authorized activities; liquor
10 license quotas; the safe ride program; the presence of underage persons and conduct
11 of other business on licensed premises; the occupational tax on alcohol beverages;
12 transporting certain homemade alcohol beverages into this state; repealing a rule
13 promulgated by the Department of Revenue; granting rule-making authority;”.

1 **2.** Page 6, line 1: before that line insert:

2 “**SECTION 1g.** 15.433 (2) of the statutes is created to read:

3 15.433 **(2)** DIVISION OF ALCOHOL BEVERAGES. (a) There is created a division of
4 alcohol beverages attached to the department of revenue under s. 15.03. The
5 administrator of the division shall be appointed outside the classified service. The
6 administrator of the division shall be nominated by the secretary of revenue and with
7 the advice and consent of the senate appointed, to serve at the pleasure of the
8 secretary of revenue.

9 (b) There is created within the division of alcohol beverages a bureau dedicated
10 to enforcement and a bureau dedicated to legal services, permitting, and reporting,
11 with each bureau headed by a director who reports to, and serves at the pleasure of,
12 the division administrator.

13 (c) There is created within the division of alcohol beverages a unit dedicated
14 to education and community outreach, headed by an individual who reports to the
15 division administrator.

16 **SECTION 1j.** 19.42 (13) (q) of the statutes is created to read:

17 19.42 **(13)** (q) The administrator and employees of the division of alcohol
18 beverages.

19 **SECTION 1m.** 20.923 (4) (c) 7. of the statutes is created to read:

20 20.923 **(4)** (c) 7. Revenue, department of; division of alcohol beverages:
21 administrator.”.

22 **3.** Page 13, line 3: after that line insert:

23 “**SECTION 19g.** 125.02 (1g) of the statutes is created to read:

1 125.02 (1g) “Axe throwing facility” means an establishment that provides
2 customers with a venue to engage in the activity of axe throwing and that either
3 derives at least 51 percent of its revenue from fees associated with axe throwing or
4 maintains at the venue at least 5 axe throwing lanes.

5 **SECTION 19m.** 125.02 (5g) of the statutes is created to read:

6 125.02 (5g) “Division” means the division of alcohol beverages in the
7 department.”.

8 **4.** Page 13, line 4: delete lines 4 to 12 and substitute:

9 **“SECTION 20c.** 125.02 (6) of the statutes is renumbered 125.02 (6) (intro.) and
10 amended to read:

11 125.02 (6) (intro.) “Fermented malt beverages” means any of the following:

12 (a) Any beverage made by the alcohol fermentation of an infusion in potable
13 water of barley malt and hops, with or without unmalted grains or decorticated and
14 degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

15 **SECTION 21c.** 125.02 (6) (b) of the statutes is created to read:

16 125.02 (6) (b) Any beverage recognized by the federal department of the
17 treasury as beer under 27 CFR part 25, except sake or similar products.”.

18 **5.** Page 13, line 13: before that line insert:

19 **“SECTION 21c.** 125.02 (6d) of the statutes is created to read:

20 125.02 (6d) “Fulfillment house” means any entity, whether located in this state
21 or elsewhere, that handles logistics, including warehousing, packaging, order
22 fulfillment, or shipping services, on behalf of a person holding a direct wine shipper’s
23 permit under s. 125.535 for wine that is eligible to be shipped to individuals in this
24 state.

1 **SECTION 21d.** 125.02 (6g) of the statutes is created to read:

2 125.02 (6g) “Full-service retail sales” means retail sales of fermented malt
3 beverages or intoxicating liquor, for on-premises or off-premises consumption, or
4 the provision of taste samples of fermented malt beverages or intoxicating liquor, or
5 any combination of these activities.

6 **SECTION 21e.** 125.02 (12) of the statutes is amended to read:

7 125.02 (12) “Peace officer” means a sheriff, undersheriff, deputy sheriff, police
8 officer, constable, marshal, deputy marshal or any employee of the department
9 division or of the department of justice authorized to act under this chapter.

10 **SECTION 21f.** 125.02 (13) of the statutes is amended to read:

11 125.02 (13) Except as provided in ss. 125.27 (6) and 125.51 (5) (g), “permit”
12 means any permit issued by the department division under this chapter.

13 **SECTION 21g.** 125.02 (14m) of the statutes is amended to read:

14 125.02 (14m) “Premises” means the area described in a license or permit,
15 excluding a permit issued under s. 125.175.

16 **SECTION 21h.** 125.02 (14m) of the statutes, as affected by 2023 Wisconsin Act
17 (this act), is amended to read:

18 125.02 (14m) “Premises” means the area described in a license or permit,
19 excluding a permit issued under s. 125.175 or 125.24.

20 **SECTION 21i.** 125.02 (16) of the statutes is renumbered 125.02 (16) (am).

21 **SECTION 21j.** 125.02 (16) (bm) of the statutes is created to read:

22 125.02 (16) (bm) “Rectifier” does not include a “Class B” licensee that prepares,
23 stores, or dispenses mixed drinks in advance of sale in compliance with s. 125.51 (3)
24 (bg).

25 **SECTION 21k.** 125.02 (23) of the statutes is amended to read:

1 125.02 (23) “Wine collector” means an individual who meets the standards
2 established by the ~~department~~ division by rule and who is registered with the
3 ~~department~~ division as a collector of wine.

4 **SECTION 21L.** 125.025 of the statutes is created to read:

5 **125.025 Powers and duties of division. (1) ADMINISTRATION; PERSONNEL.**

6 (a) The division, under the direction and supervision of the administrator, shall
7 administer this chapter and have jurisdiction over alcohol beverages regulation,
8 enforcement, and education in this state. The division is responsible for
9 administering regulatory programs; promoting regulatory transparency; promoting
10 statutory changes to create clarity, consistency, and simplicity in alcohol beverage
11 regulatory requirements; and ensuring active, consistent enforcement of alcohol
12 beverage laws.

13 (b) The administrator may appoint, in the classified service, special agents and
14 other employees necessary to carry out the permitting, audit, legal, education, and
15 enforcement functions of the division. The division shall employ no fewer than 10
16 alcohol beverage field agents to perform enforcement activities under the direction
17 of the director of the bureau created under s. 15.433 (2) (b) dedicated to enforcement.

18 (c) The administrator and any employee of the division may not be employed
19 by or have a substantial financial interest in the alcohol beverages industry or any
20 business subject to the division’s jurisdiction.

21 **(2) POLICE POWERS.** The division shall enforce, and the duly authorized
22 employees of the division shall have all necessary police powers to prevent violations
23 of, this chapter.

24 **(3) INSPECTION FOR ENFORCEMENT.** Duly authorized employees of the
25 department of justice and the division and any sheriff, police officer, marshal, or

1 constable, within their respective jurisdictions, may, during normal business hours,
2 enter any licensed premises, and examine the books, papers, and records of any
3 brewer, brewpub, manufacturer, rectifier, wholesaler, or retailer and may inspect
4 and examine, according to law, any premises where fermented malt beverages or
5 intoxicating liquors are manufactured, sold, exposed for sale, possessed, or stored,
6 for the purpose of inspecting the same and determining whether this chapter is being
7 complied with. Any refusal to permit such examination of such premises is sufficient
8 grounds under s. 125.12 for revocation or suspension of any license or permit issued
9 under this chapter and is punishable under s. 125.11 (3).

10 (4) LIST OF PERMITTEES. The division shall provide the department with all
11 information necessary for the department to publish the information specified in s.
12 139.11 (4) (a) 2. and (b) 2.

13 **SECTION 21m.** 125.025 (3) of the statutes, as created by 2023 Wisconsin Act ...
14 (this act), is amended to read:

15 125.025 (3) INSPECTION FOR ENFORCEMENT. Duly authorized employees of the
16 department of justice and the division and any sheriff, police officer, marshal, or
17 constable, within their respective jurisdictions, may, during normal business hours,
18 enter any licensed premises, and examine the books, papers, and records of any
19 brewer, brewpub, manufacturer, rectifier, wholesaler, ~~or retailer,~~ fulfillment house,
20 or common carrier and may inspect and examine, according to law, any premises
21 where fermented malt beverages or intoxicating liquors are manufactured, sold,
22 exposed for sale, possessed, or stored, for the purpose of inspecting the same and
23 determining whether this chapter is being complied with. Any refusal to permit such
24 examination of such premises is sufficient grounds under s. 125.12 for revocation or

1 suspension of any license or permit issued under this chapter and is punishable
2 under s. 125.11 (3).

3 **SECTION 21n.** 125.03 (title) of the statutes is amended to read:

4 **125.03** (title) **Department Division rule making.**

5 **SECTION 21o.** 125.03 (1) (a) of the statutes is amended to read:

6 125.03 (1) (a) The ~~department, in furtherance of effective control,~~ division may
7 promulgate rules consistent with this chapter and ch. 139 to carry out the division's
8 duties under this chapter.

9 **SECTION 21p.** 125.03 (1) (b) of the statutes is amended to read:

10 125.03 (1) (b) The ~~department~~ division shall promulgate rules providing for
11 registration of wine collectors and establishing standards of eligibility for
12 registration as a wine collector. The rules shall also specify the form and manner of
13 notice required under s. 125.06 (11m).

14 **SECTION 21q.** 125.03 (2) of the statutes is amended to read:

15 125.03 (2) CONTAINERS. The ~~department~~ division may by rule prescribe the
16 standard size, form, or character of any container in which intoxicating liquor may
17 be sold in this state except that the ~~department~~ division may not set the size of
18 containers in which intoxicating liquor, except wine containing not more than 21
19 percent of alcohol by volume, may be sold at a capacity greater than 1.75 liters
20 (59.1752 fluid ounces).

21 **SECTION 21r.** 125.04 (3) (a) (intro.) of the statutes is amended to read:

22 125.04 (3) (a) *Contents.* (intro.) The ~~department~~ division shall prepare an
23 application form for each kind of license, other than a manager's or operator's license,
24 and for each kind of permit issued under this chapter. Each form shall require all
25 of the following information:

1 **SECTION 21rm.** 125.04 (3) (a) (intro.) of the statutes, as affected by 2023
2 Wisconsin Act (this act), is amended to read:

3 125.04 (3) (a) *Contents.* (intro.) The division shall prepare an application form
4 for each kind of license, other than a manager's or operator's license, and for each
5 kind of permit issued under this chapter. Each form, except an operator's permit
6 form, shall require all of the following information:

7 **SECTION 21s.** 125.04 (3) (a) 1. of the statutes is amended to read:

8 125.04 (3) (a) 1. A history of the applicant relevant to the applicant's fitness to
9 hold a license or permit, including whether the applicant is a restricted investor
10 requiring disclosure under s. 125.20 (6) (a) 5. and the basis of this status.

11 **SECTION 21t.** 125.04 (3) (b) of the statutes is amended to read:

12 125.04 (3) (b) *Application for renewing.* The ~~department~~ division may prepare
13 a simplified application form for renewal of each kind of license or permit which
14 requires only information pertinent to renewal.

15 **SECTION 21u.** 125.04 (3) (bm) (intro.) of the statutes is amended to read:

16 125.04 (3) (bm) *Signature on, and notarization of, forms.* (intro.) The
17 application forms prepared by the ~~department~~ division for a license or permit under
18 this chapter may not require any of the following:

19 **SECTION 21v.** 125.04 (3) (c) of the statutes is amended to read:

20 125.04 (3) (c) *Distribution.* The ~~department~~ division shall make one copy of
21 each kind of license application that it prepares available to each municipality.

22 **SECTION 21w.** 125.04 (3) (d) 1. of the statutes is amended to read:

23 125.04 (3) (d) 1. An application form prepared by the ~~department~~ division shall
24 be used by each applicant for a permit.

25 **SECTION 21x.** 125.04 (3) (d) 2. of the statutes is amended to read:

1 125.04 (3) (d) 2. A replica of an application form prepared by the department
2 division shall be used by each applicant for a license, other than a manager's or
3 operator's license.

4 **SECTION 21y.** 125.04 (3) (e) 2. of the statutes is amended to read:

5 125.04 (3) (e) 2. The applicant shall file the application for a permit with the
6 department division.”.

7 **6.** Page 13, line 17: after “fact” insert “, including any change in restricted
8 investors under s. 125.20 (6) (a) 5”.

9 **7.** Page 13, line 17: after that line insert:

10 “**SECTION 22g.** 125.04 (3) (j) of the statutes is amended to read:

11 125.04 (3) (j) *Penalty for materially false application information, affidavit*
12 *representation.* Any person who knowingly provides materially false information in
13 an application for a license or permit under this chapter or on a form under par. (k),
14 and any person who materially violates any representation made in an affidavit
15 under s. 125.20 (6) (a) 6. or (c) 4., may be required to forfeit not more than \$1,000.

16 **SECTION 22m.** 125.04 (3) (k) of the statutes is created to read:

17 125.04 (3) (k) *Approval of full-service retail outlets.* The division shall prepare
18 a form for use by a brewer, winery, manufacturer, or rectifier to request approval for
19 a full-service retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d)
20 1. The form shall be similar to the form for a retail license application under par. (a).
21 An applicant shall use the form to submit a request for approval of a full-service
22 retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d) 1.”.

23 **8.** Page 13, line 20: delete “department” and substitute “department division”.

24 **9.** Page 13, line 24: delete “department” and substitute “division”.

1 **10.** Page 13, line 25: delete “department’s” and substitute “division’s”.

2 **11.** Page 13, line 25: after that line insert:

3 “**SECTION 23g.** 125.04 (5) (a) 5. of the statutes is amended to read:

4 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
5 date of application a responsible beverage server training course at any location that
6 is offered by a technical college district and that conforms to curriculum guidelines
7 specified by the technical college system board or a comparable training course that
8 is approved by the department division or the department of safety and professional
9 services. This subdivision does not apply to an applicant who held, or who was an
10 agent appointed and approved under sub. (6) of a corporation or limited liability
11 company that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license
12 or a Class “B” or “Class B” license or permit or a manager’s or operator’s license.

13 **SECTION 23h.** 125.04 (5) (a) 5. of the statutes, as affected by 2023 Wisconsin Act
14 (this act), is amended to read:

15 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
16 date of application a responsible beverage server training course at any location that
17 is offered by a technical college district and that conforms to curriculum guidelines
18 specified by the technical college system board or a comparable training course that
19 is approved by the division or the department of safety and professional services.
20 This subdivision does not apply to an applicant who held, or who was an agent
21 appointed and approved under sub. (6) of a corporation or limited liability company
22 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a
23 Class “B” or “Class B” license or permit or a manager’s or operator’s license, or an
24 operator’s permit.

1 **SECTION 23j.** 125.04 (5) (d) 1. of the statutes is amended to read:
2 125.04 (5) (d) 1. Paragraph (a) 2. does not apply to applicants for operators'
3 licenses issued under s. 125.17, to applicants for operators' permits issued under s.
4 125.175, or to applicants for managers' licenses issued under s. 125.18. Managers'
5 licenses may be issued only to applicants who are residents of this state at the time
6 of issuance.

7 **SECTION 23k.** 125.04 (5) (d) 2. of the statutes is amended to read:
8 125.04 (5) (d) 2. Paragraph (a) 3. does not apply to applicants for operators'
9 licenses under s. 125.17 or to applicants for operators' permits under s. 125.175.
10 Operators' licenses and operators' permits may be issued only to applicants who have
11 attained the age of 18.

12 **SECTION 23m.** 125.04 (5) (d) 3. a. of the statutes is amended to read:
13 125.04 (5) (d) 3. a. Applicants for operators' licenses under s. 125.17 and for
14 operators' permits under s. 125.175.

15 **SECTION 23n.** 125.04 (6) (g) of the statutes is amended to read:
16 125.04 (6) (g) *Forms.* If the ~~department~~ division or any municipality prepares
17 a form relating to the appointment of an agent under this subsection, including any
18 cancellation of an appointment or appointment of a successor agent, the form may
19 not require the signature of more than one person signing on behalf of the corporation
20 or limited liability company submitting the form.

21 **SECTION 23o.** 125.04 (8) (title) of the statutes is amended to read:

22 125.04 (8) (title) PAYMENT OF LICENSE FEE; PERMIT FEES.

23 **SECTION 23p.** 125.04 (8) of the statutes is renumbered 125.04 (8) (a).

24 **SECTION 23q.** 125.04 (8) (b) of the statutes is created to read:

1 125.04 (8) (b) Unless the department established a different permit fee before
2 the effective date of this paragraph [LRB inserts date], and except as provided in
3 ss. 125.175 (3), 125.22 (1) (e), 125.23 (1) (c), 125.27 (5) (f), 125.28 (4), 125.295 (4),
4 125.51 (5) (f) 5., 125.535 (2), and 125.65 (10), the division shall charge an annual fee
5 of \$500 for each permit issued by the division under this chapter.

6 **SECTION 23r.** 125.04 (8) (b) of the statutes, as created by 2023 Wisconsin Act
7 (this act), is amended to read:

8 125.04 (8) (b) Unless the department established a different permit fee before
9 the effective date of this paragraph [LRB inserts date], and except as provided in
10 ss. 125.175 (3), 125.22 (1) (e), 125.23 (1) (c), 125.24 (1) (e), 125.27 (5) (f), 125.28 (4),
11 125.295 (4), 125.51 (5) (f) 5., 125.535 (2), and 125.65 (10), the division shall charge
12 an annual fee of \$500 for each permit issued by the division under this chapter.”.

13 **12.** Page 14, line 3: on lines 3 and 4, delete “department” and substitute
14 “division”.

15 **13.** Page 14, line 5: after that line insert:

16 **“SECTION 24c.** 125.04 (12) (a) of the statutes is amended to read:

17 125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit
18 may be transferred to another place or premises within the same municipality. An
19 alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53,
20 or ~~an intoxicating liquor~~ a wholesaler’s permit under s. 125.28 or 125.54 may be
21 transferred to another premises within this state. Transfers shall be made by the
22 issuing authority upon payment of a fee of \$10 to the issuing authority. No retail
23 licensee, retail permittee, ~~intoxicating liquor wholesaler~~ permittee, or holder of a
24 warehouse or winery permit is entitled to more than one transfer during the license

1 or permit year. This paragraph does not apply to a license issued under s. 125.51 (4)
2 (v) or to a reserve “Class B” license, as defined in s. 125.51 (4) (a).

3 **SECTION 24d.** 125.045 (title) of the statutes is amended to read:

4 **125.045 (title) Booklet for licensees and permittees; safe ride program**
5 **information.**

6 **SECTION 24e.** 125.045 (1) of the statutes is amended to read:

7 125.045 (1) The ~~department~~ division shall prepare a booklet explaining the
8 state statutes and rules relating to the retail sale of alcohol beverages, written
9 concisely in language which is clearly understood by those required to utilize it.

10 **SECTION 24f.** 125.045 (2) of the statutes is renumbered 125.045 (2) (a) and
11 amended to read:

12 125.045 (2) (a) The ~~department~~ division shall provide a copy of the booklet
13 under sub. (1) free of charge to each person issued a permit, including a renewal,
14 under s. 125.27 or 125.51 (5). The ~~department~~ division shall provide the booklet for
15 a charge not to exceed cost, as provided under s. 20.908, to municipalities.

16 **SECTION 24g.** 125.045 (2) (a) of the statutes, as affected by 2023 Wisconsin Act
17 (this act), is amended to read:

18 125.045 (2) (a) The division shall provide a copy of the booklet under sub. (1)
19 free of charge to each person issued a permit, including a renewal, under s. 125.175,
20 125.27, or 125.51 (5). The division shall provide the booklet for a charge not to exceed
21 cost, as provided under s. 20.908, to municipalities.

22 **SECTION 24h.** 125.045 (2) (b) of the statutes is created to read:

23 125.045 (2) (b) The division shall provide to each person initially issued a
24 permit under s. 125.27 or 125.51 (5) information regarding the safe ride program
25 described in s. 85.55.

1 **SECTION 24i.** 125.045 (3) of the statutes is renumbered 125.045 (3) (a) and
2 amended to read:

3 125.045 **(3)** (a) A municipality shall provide a copy of the booklet under sub. (1)
4 to each person issued a license, including a renewal, under s. 125.17, 125.18, 125.25,
5 125.26 or 125.51 (1) by the municipality unless the municipality requires the person
6 to complete an instructional program which includes the subject matter of the
7 booklet or unless the person completes the program under s. 125.04 (5) (a) 5. or
8 125.17 (6). This section does not preclude a municipality from charging a fee for such
9 a program. A municipality may charge for the booklet in an amount not to exceed
10 the amount charged by the ~~department~~ division under sub. (2) (a).

11 **SECTION 24j.** 125.045 (3) (b) of the statutes is created to read:

12 125.045 **(3)** (b) A municipality shall provide to each person initially issued a
13 license under s. 125.26 (1) or 125.51 (3) or (3m) information regarding the safe ride
14 program described in s. 85.55.

15 **SECTION 24k.** 125.06 (1) of the statutes is amended to read:

16 125.06 **(1)** BREWERS' PREMISES. The furnishing, by brewers, of fermented malt
17 beverages free of charge to customers, visitors, and employees on the brewery
18 premises if the fermented malt beverages are consumed on the brewery premises and
19 ~~are not furnished or consumed in or near any room or place where intoxicating liquor~~
20 ~~is sold.~~

21 **SECTION 24m.** 125.06 (3g) of the statutes is amended to read:

22 125.06 **(3g)** WINE OR FERMENTED MALT BEVERAGES MADE AT SUPPLY STORES. The
23 manufacture of wine or fermented malt beverages by any person at a business
24 primarily engaged in selling supplies and equipment for use by homebrewers or
25 home winemakers, and, notwithstanding s. 125.09 (1), the tasting at the business of

1 wine or fermented malt beverages so manufactured, if the wine or fermented malt
2 beverages are not sold or offered for sale. Wine or fermented malt beverages provided
3 at a business for tasting under this subsection may only be provided by a person who
4 holds an operator's license issued under s. 125.17 or an operator's permit issued
5 under s. 125.175.

6 **SECTION 24n.** 125.06 (3m) (c) of the statutes is created to read:

7 125.06 (3m) (c) If a competition or exhibition complying with par. (b) is held by
8 a national organization and has participants from more than 25 states, a person who
9 made homemade wine or fermented malt beverages in another state under
10 conditions similar to those imposed under sub. (3) may, without holding a license or
11 permit under this chapter, transport up to 10 gallons of homemade wine or fermented
12 malt beverages into this state for purposes of participating in the competition or
13 exhibition.

14 **SECTION 24o.** 125.06 (11m) of the statutes is amended to read:

15 125.06 (11m) WINE COLLECTORS. The sale by a wine collector to any other wine
16 collector of manufacturer-sealed bottles or containers of wine that the selling wine
17 collector has held for at least 8 years if the selling wine collector has provided prior
18 notice of the sale to the ~~department~~ division. No more than one sale in any 12-month
19 period may be conducted by a wine collector under this paragraph.

20 **SECTION 24p.** 125.06 (13) of the statutes is repealed.

21 **SECTION 24q.** 125.07 (1) (b) 4. of the statutes is amended to read:

22 125.07 (1) (b) 4. The court shall promptly mail notice of a suspension under this
23 paragraph to the ~~department~~ division and to the clerk of each municipality which has
24 issued a license or permit to the person.

25 **SECTION 24r.** 125.07 (3) (a) 3. of the statutes is amended to read:

1 125.07 (3) (a) 3. Hotels, drug stores, grocery stores, bowling centers, movie
2 theaters, painting studios, billiards centers having on the premises 12 or more
3 billiards tables that are not designed for coin operation and that are 8 feet or longer
4 in length, indoor golf simulator facilities, indoor golf and baseball facilities on
5 premises for which the only alcohol beverage license issued is a Class “B” license, axe
6 throwing facilities on premises operated under Class “B” or “Class B” licenses,
7 service stations, vessels, cars operated by any railroad, regularly established athletic
8 fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums,
9 music festival venues during an event with a projected attendance of at least 2,500
10 persons, public facilities as defined in s. 125.51 (5) (b) 1. d. which are owned by a
11 county or municipality or centers for the visual or performing arts.

12 **SECTION 24s.** 125.07 (3) (a) 10. of the statutes is amended to read:

13 125.07 (3) (a) 10. An underage person who enters or remains on Class “B” or
14 “Class B” licensed premises on a date specified by the licensee or permittee during
15 times when no alcohol beverages are consumed, sold or given away. During those
16 times, the licensee, the agent named in the license if the licensee is a corporation or
17 limited liability company or a person who has an operator’s license or operator’s
18 permit shall be on the premises unless all alcohol beverages are stored in a locked
19 portion of the premises. The licensee shall notify the local law enforcement agency,
20 in advance, of the times underage persons will be allowed on the premises under this
21 subdivision.

22 **SECTION 24t.** 125.07 (3) (a) 16. of the statutes is amended to read:

23 125.07 (3) (a) 16. An underage person who enters or remains in a banquet or
24 hospitality room on winery premises ~~operated under a “Class A” or “Class B” license~~
25 for the purpose of attending a winery tour.

1 **SECTION 24u.** 125.07 (4) (f) 3. of the statutes is amended to read:

2 125.07 (4) (f) 3. A licensee may not bring a civil action under this paragraph
3 unless the licensee has first provided notice to the underage person or the underage
4 person's parent, as applicable, of the licensee's intent to bring the action. The notice
5 shall be mailed to the last-known address of the underage person or underage
6 person's parent, as applicable, at least 15 days prior to filing the action and shall
7 include a demand for the relief described in subd. 1. The ~~department~~ division may,
8 by rule, prescribe a form for this notice.

9 **SECTION 24v.** 125.09 (1) of the statutes is renumbered 125.09 (1) (a) and
10 amended to read:

11 125.09 (1) (a) No owner, lessee, or person in charge of a public place may permit
12 the consumption of alcohol beverages on the ~~premises~~ property of the public place,
13 unless the person has an appropriate retail license or permit or a no-sale event venue
14 permit.

15 (d) This subsection does not apply to municipalities, buildings and parks owned
16 by counties, regularly established athletic fields and stadiums, school buildings,
17 campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event
18 sponsored by the private college is being held, churches, premises in a state fair park
19 or clubs. This subsection also does not apply to the consumption of fermented malt
20 beverages on commercial quadricycles except in municipalities that have adopted
21 ordinances under s. 125.10 (5) (a).

22 **SECTION 24w.** 125.09 (1) (b) and (c) of the statutes are created to read:

23 125.09 (1) (b) For purposes of par. (a), a public place includes a venue, location,
24 open space, room, or establishment that is any of the following:

25 1. Accessible and available to the public to rent for an event or social gathering.

1 2. Held out for rent to the public for an event or social gathering.

2 3. Made available for rent to a member of the public for an event or social
3 gathering.

4 (c) For purposes of par. (a), a public place does not include any of the following:

5 1. A room in a hotel, motel, or bed and breakfast that is used for overnight
6 accommodations.

7 2. Vacation rental property, or any other property of temporary lodging, that
8 is used for overnight accommodations if the property is furnished with sufficient beds
9 for all adult guests to sleep.

10 3. A campsite on a campground licensed under s. 97.67.

11 4. A parking lot, driveway, or yard where vehicles may be parked on the same
12 day as a professional or collegiate sporting event or other ticketed event open to the
13 public.

14 5. Property within a local professional football stadium district created under
15 subch. IV of ch. 229 if the property is used in connection with, and on the same day
16 as, a professional football game, or other ticketed event open to the public, held at
17 the football stadium.

18 6. Property within a local professional baseball park district created under
19 subch. III of ch. 229 if the property is used in connection with, and on the same day
20 as, a professional baseball game, or other ticketed event open to the public, held at
21 the baseball park.”.

22 **14.** Page 14, line 8: after that line insert:

23 “**SECTION 25c.** 125.105 (1) of the statutes is amended to read:

1 125.105 (1) No person may impersonate an inspector, agent or other employee
2 of the ~~department~~ division or of the department of justice.

3 **SECTION 25d.** 125.11 (3) of the statutes is created to read:

4 125.11 (3) INSPECTION VIOLATION. Any person who refuses to permit an
5 examination of premises as provided in s. 125.025 (3) shall be fined not more than
6 \$500 nor less than \$50, or imprisoned not more than 90 days nor less than 10 days
7 or both, and any license or permit issued to that person may be revoked.

8 **SECTION 25e.** 125.12 (1) (a) of the statutes is amended to read:

9 125.12 (1) (a) Except as provided in this subsection, any municipality or the
10 ~~department~~ division may revoke, suspend or refuse to renew any license or permit
11 under this chapter, as provided in this section.

12 **SECTION 25f.** 125.12 (1) (c) of the statutes is amended to read:

13 125.12 (1) (c) Neither a municipality nor the ~~department~~ division may consider
14 an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03
15 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew
16 a Class “B” or “Class B” license or permit.

17 **SECTION 25g.** 125.12 (4) (title) of the statutes is amended to read:

18 125.12 (4) (title) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE
19 ~~DEPARTMENT~~ DIVISION.

20 **SECTION 25h.** 125.12 (4) (ag) (intro.) of the statutes is amended to read:

21 125.12 (4) (ag) *Complaint.* (intro.) A duly authorized employee of the
22 ~~department~~ division may file a complaint with the clerk of circuit court for the
23 jurisdiction in which the premises of a person holding a license issued under this
24 chapter is situated, alleging one or more of the following about a licensee:

25 **SECTION 25i.** 125.12 (4) (ag) 9. of the statutes is created to read:

1 125.12 (4) (ag) 9. That the licensee has shipped alcohol beverages to any person
2 in another state in violation of that state's law.

3 **SECTION 25j.** 125.12 (5) (title) of the statutes is amended to read:

4 125.12 (5) (title) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS
5 BY THE ~~DEPARTMENT~~ DIVISION.

6 **SECTION 25k.** 125.12 (5) (a) of the statutes is amended to read:

7 125.12 (5) (a) The ~~department~~ division may, after notice and an opportunity for
8 hearing, revoke, suspend, or refuse to renew any retail permit issued by it for the
9 causes provided in sub. (4) and any other permit issued by it under this chapter for
10 any violation of this chapter or ch. 139, except that, for a violation of s. 125.535 or
11 139.035, the ~~department~~ division shall revoke the permit.

12 **SECTION 25L.** 125.12 (5) (a) of the statutes, as affected by 2023 Wisconsin Act
13 (this act), is amended to read:

14 125.12 (5) (a) The division may, after notice and an opportunity for hearing,
15 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
16 provided in sub. (4) and any other permit issued by it under this chapter for any
17 violation of this chapter or ch. 139, except that, for a violation of s. 125.535 or 139.035,
18 the division shall revoke the permit, and the division shall revoke a common carrier
19 permit as provided in s. 125.22 (3) (b) and a fulfillment house permit as provided in
20 s. 125.23 (6) (b).

21 **SECTION 25m.** 125.12 (5) (b) of the statutes is amended to read:

22 125.12 (5) (b) The ~~department~~ division may, after notice and an opportunity for
23 hearing, revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person
24 designated by the owner or operator of racetrack grounds as provided in s. 125.27 (5)

1 (b) or 125.51 (5) (f) 2. if the person's designation has terminated or the owner or
2 operator of the racetrack grounds has otherwise rescinded the person's designation.

3 **SECTION 25n.** 125.12 (5) (bm) of the statutes is created to read:

4 125.12 (5) (bm) The division may, after notice and an opportunity for hearing,
5 revoke, suspend, or refuse to renew any permit issued by it under this chapter if the
6 permittee has shipped alcohol beverages to any person in another state in violation
7 of that state's law.

8 **SECTION 25o.** 125.12 (5) (c) of the statutes is amended to read:

9 125.12 (5) (c) A revocation, suspension, or refusal to renew a permit under par.
10 (a) ~~or~~, (b), or (bm) is a contested case under ch. 227.

11 **SECTION 25p.** 125.12 (6) (a) of the statutes is amended to read:

12 125.12 (6) (a) Any person may file a sworn written complaint with the
13 ~~department~~ division alleging that an intoxicating liquor wholesaler has violated s.
14 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint
15 and sufficient facts for the ~~department~~ division to determine whether there is cause
16 to find that a violation has occurred. The ~~department~~ division shall provide a copy
17 of the complaint to any wholesaler against whom allegations are made, along with
18 notice of the time period under par. (b) to show cause why the wholesaler's permit
19 should not be revoked or suspended or to request a hearing.

20 **SECTION 25q.** 125.12 (6) (b) of the statutes is amended to read:

21 125.12 (6) (b) Within 30 days of receiving a copy of the complaint under par. (a),
22 any wholesaler against whom allegations are made may file a sworn written
23 response or a written request for an evidentiary hearing before the ~~department~~
24 division under s. 227.44.

25 **SECTION 25r.** 125.12 (6) (c) of the statutes is amended to read:

1 125.12 (6) (c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary
2 hearing is made under par. (b), within 60 days of receiving any response under par.
3 (b) or, if no response is made, within 60 days of the date on which a response or
4 request for hearing is due under par. (b), the ~~department~~ division shall make a
5 written decision as to whether a violation has occurred and either dismiss the
6 complaint or take action under par. (e). Any decision under this paragraph shall
7 include findings of fact and conclusions of law and shall state all reasons for the
8 decision. The ~~department~~ division shall provide a copy of the decision to the
9 complainant and to any wholesaler against whom allegations are made.

10 **SECTION 25s.** 125.12 (6) (cm) of the statutes is amended to read:

11 125.12 (6) (cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary
12 hearing is made under par. (b), the hearing shall be conducted in the manner
13 specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall
14 be conducted within 45 days of receiving the request for hearing under par. (b) and
15 the ~~department~~ division shall make its written decision, including whether a
16 violation has occurred and whether the complaint is dismissed or action is taken
17 under par. (e), within 15 days after the hearing. In addition to service of the decision
18 as provided under s. 227.48, the ~~department~~ division shall provide a copy of the
19 decision to the complainant.

20 **SECTION 25t.** 125.12 (6) (d) of the statutes is amended to read:

21 125.12 (6) (d) 1. If no request for an evidentiary hearing is made under par. (b),
22 within 60 days of receiving any response under par. (b) or, if no response is made,
23 within 60 days of the date on which a response or request for hearing is due under
24 par. (b), the ~~department~~ division may extend the time period for making a decision
25 under par. (c) by an additional 60 days if the ~~department~~ division provides notice

1 within the time period specified in par. (c) that an additional 60 days is necessary for
2 investigation.

3 2. If a request for an evidentiary hearing is made under par. (b), within 45 days
4 of receiving the request for hearing under par. (b), the ~~department~~ division may
5 extend the time period for conducting the hearing by an additional 45 days if the
6 ~~department~~ division provides notice within 45 days of receiving the request for
7 hearing under par. (b) that an additional 45 days is necessary for investigation.

8 **SECTION 25u.** 125.12 (6) (dm) of the statutes is amended to read:

9 125.12 (6) (dm) Within 45 days of receiving any response or request for hearing
10 under par. (b) or, if no response or request for hearing is made, within 45 days of the
11 date on which a response or request for hearing is due under par. (b), the ~~department~~
12 division may elect to file a complaint in circuit court under sub. (4) that includes all
13 allegations of the complaint under par. (a) for which the ~~department~~ division
14 determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If
15 the ~~department~~ division files a complaint in circuit court as provided under this
16 paragraph, the ~~department~~ division shall not conduct a hearing under par. (cm) or
17 make a written decision under par. (c), but shall proceed with the matter as provided
18 under sub. (4).

19 **SECTION 25v.** 125.12 (6) (e) of the statutes is amended to read:

20 125.12 (6) (e) If the ~~department~~ division finds the allegations under par. (a) true
21 and sufficient, the ~~department~~ division shall either suspend for not less than 10 days
22 nor more than 90 days or revoke the wholesaler's permit, and give notice of the
23 suspension or revocation to the wholesaler.”.

24 **15.** Page 14, line 10: delete “department” and substitute “division”.

1 **16.** Page 14, line 12: after that line insert:

2 “**SECTION 26ab.** 125.13 of the statutes is amended to read:

3 **125.13 Report of suspension, revocation, or imposition of penalty.**

4 Whenever a municipal governing body or court revokes or suspends a license or
5 permit or imposes a penalty on a licensee or permittee for the violation of this
6 chapter, the clerk of the municipality or court revoking or suspending the license or
7 imposing the penalty shall, within 10 days after the revocation, suspension, or
8 imposition of penalty, mail a report to the ~~department~~ division at Madison,
9 Wisconsin, giving the name of the licensee, the address of the licensed premises, and
10 a full description of the penalty imposed.

11 **SECTION 26ac.** 125.14 (2) (c) of the statutes is amended to read:

12 125.14 (2) (c) *Identification.* Any person seizing alcohol beverages or personal
13 property and electing to dispose of it under this subsection shall exercise reasonable
14 diligence to ascertain the name and address of the owner of the alcohol beverages or
15 property and of all persons holding a security interest in the property seized. The
16 person shall report his or her findings in writing to the ~~department~~ division.

17 **SECTION 26ad.** 125.14 (2) (d) of the statutes is amended to read:

18 125.14 (2) (d) *Order.* Upon conviction of any person for owning, possessing,
19 keeping, storing, manufacturing, selling, distributing, or transporting alcohol
20 beverages in violation of this chapter or ch. 139, the court shall order part or all of
21 the alcohol beverages or personal property seized to be destroyed if it is unfit for sale.
22 Alcohol beverages and other personal property fit for sale shall be turned over to the
23 ~~department~~ division for disposition. Upon receipt of the confiscated property, the
24 ~~department~~ division shall exercise reasonable diligence to ascertain the names and

1 addresses of all owners of the property and of all persons holding a security interest
2 in the property. If a motor vehicle is confiscated, the ~~department~~ division shall obtain
3 the written advice of the department of transportation as to the ownership of the
4 motor vehicle and shall make a reasonable search for perfected security interests in
5 the vehicle.

6 **SECTION 26ae.** 125.14 (2) (e) of the statutes is amended to read:

7 125.14 (2) (e) *Disposal.* The ~~department~~ division shall dispose of the alcohol
8 beverages turned over to it by the court by either giving it to law enforcement
9 agencies free of charge for use in criminal investigations, selling it to the highest
10 bidder if the bidder is a person holding a license or permit issued under this chapter,
11 or destroying it, at the discretion of the ~~department~~ division. If the ~~department~~
12 division elects to sell the alcohol beverages, it shall publish a class 2 notice under ch.
13 985 asking for sealed bids from qualified bidders. Any items or groups of items in
14 the inventory subject to a security interest, the existence of which was established
15 in the proceedings for conviction as being bona fide and as having been created
16 without the secured party having notice that the items were being used or were to
17 be used in connection with the violation, shall be sold separately. The net proceeds
18 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
19 secretary of administration and credited to the common school fund.

20 **SECTION 26af.** 125.14 (2) (f) of the statutes is amended to read:

21 125.14 (2) (f) *Sale.* Any personal property, other than alcohol beverages, seized
22 under par. (a) and fit for sale, shall be turned over by the ~~department~~ division to the
23 department of administration for disposal at public auction to the highest bidder, at
24 a time and place stated in a notice of sale which describes the property to be sold.
25 The sale shall be held in a conveniently accessible place in the county where the

1 property was confiscated. A copy of the notice shall be published as a class 2 notice
2 under ch. 985. The last insertion shall be at least 10 days before the sale. The
3 ~~department of revenue~~ division shall serve a copy of the notice of sale at least 2 weeks
4 before the date thereof on all persons who are or may be owners or holders of security
5 interests in the property. Any confiscated property worth more than \$100 shall be
6 sold separately, and the balance of the confiscated property shall be sold in bulk or
7 separately at the discretion of the department of administration. The net proceeds
8 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the
9 secretary of administration. No motor vehicle or motorboat confiscated under this
10 section may be sold within 30 days after the date of seizure.

11 **SECTION 26ag.** 125.14 (3) (b) of the statutes is amended to read:

12 125.14 (3) (b) *Deadline.* The application shall be made within one year after
13 the sale of the property. A copy of the application and the order setting a hearing on
14 it shall be served on the ~~department~~ division at least 20 days before the date set for
15 hearing.

16 **SECTION 26ah.** 125.145 of the statutes is amended to read:

17 **125.145 Prosecutions by attorney general or department division.**

18 Upon request by the ~~secretary of revenue~~ division, the attorney general may
19 represent this state or assist a district attorney in prosecuting any case arising under
20 this chapter. The ~~department~~ division may represent this state in prosecuting any
21 violation of s. 125.54 (7) (a) or (b) and shall bring any such action in the circuit court
22 for Dane County.

23 **SECTION 26ai.** 125.15 (1) of the statutes is amended to read:

24 125.15 (1) An intoxicating liquor wholesaler, intoxicating liquor retail licensee
25 or permittee, or intoxicating liquor trade association that makes a written complaint

1 to the ~~department~~ division under s. 125.12 (6) of a violation of s. 125.54 (7) (a) may
2 bring an action to enforce the provisions of s. 125.54 (7) if any of the following apply:

3 (a) The ~~department~~ division has not rendered a decision within the time
4 periods specified in s. 125.12 (6) (c) to (d).

5 (b) The ~~department~~ division has rendered a decision under s. 125.12 (6) in
6 which the ~~department~~ division has determined that a violation has occurred but no
7 action has been brought in circuit court by the ~~department~~ division, attorney general,
8 or a district attorney to prosecute the violation.

9 **SECTION 26aj.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

10 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
11 body or designated municipal official may issue an operator's license unless the
12 applicant has successfully completed a responsible beverage server training course
13 at any location that is offered by a technical college district and that conforms to
14 curriculum guidelines specified by the technical college system board or a
15 comparable training course, which may include computer-based training and
16 testing, that is approved by the ~~department~~ division or the department of safety and
17 professional services, or unless the applicant fulfills one of the following
18 requirements:

19 **SECTION 26ak.** 125.175 of the statutes is created to read:

20 **125.175 Issuance of operators' permits. (1)** Subject to sub. (4), the division
21 shall issue an operator's permit to any applicant who is qualified under s. 125.04 (5).
22 Operators' permits may not be required other than for the purpose of complying with
23 ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' permits may be issued only
24 upon written application.

25 **(2)** Operators' permits are valid in all municipalities in this state.

1 **(3)** The division shall establish a fee for issuance or renewal of an operator’s
2 permit and shall determine whether the permit shall be valid for one or 2 years.

3 **(4)** (a) The division may not issue an operator’s permit unless the applicant
4 satisfies the criteria for issuance of an operator’s license specified in s. 125.17 (6) (a).
5 In applying these criteria to an applicant who holds or previously held an operator’s
6 permit or an operator’s license, the division shall treat as synonymous operators’
7 permits and operators’ licenses.

8 (b) The division may not require applicants for operators’ permits to undergo
9 training in addition to that specified in s. 125.17 (6) (a) but may require applicants
10 to purchase at cost materials that deal with relevant subjects not covered in the
11 course under s. 125.17 (6) (a).

12 **SECTION 26am.** 125.19 (1) of the statutes is amended to read:

13 **125.19 (1) ISSUANCE.** The ~~department~~ division shall issue an alcohol beverage
14 warehouse permit which authorizes the permittee to store and warehouse alcohol
15 beverages in warehouse premises covered by the permit, subject to rules adopted by
16 the ~~department~~ division. The permit does not authorize the sale of any alcohol
17 beverages.

18 **SECTION 26an.** 125.20 of the statutes is created to read:

19 **125.20 Interest restrictions. (1) DEFINITIONS.** In this section:

20 (a) “Distribution permit” means a permit issued under s. 125.28 or 125.54.

21 (b) “Distribution permittee” means a person holding a distribution permit and
22 includes a restricted individual of such a person.

23 (c) “Production permit” means a permit issued under s. 125.29, 125.295, 125.52,
24 or 125.53, a permit issued under s. 125.30 to a brewer in another state, or a permit
25 issued under s. 125.58 to a manufacturer, rectifier, or winery in another state.

1 (d) "Production permittee" means a person holding a production permit and
2 includes a restricted individual of such a person.

3 (e) "Restricted individual" means any of the following:

4 1. An individual identified on a manager's license or who works or acts in a
5 managerial capacity for a permittee or licensee.

6 2. An individual serving as an officer, director, member, manager, or agent of
7 a corporation or limited liability company holding a permit or license.

8 3. An individual holding more than a 10 percent ownership interest in a
9 permittee or licensee.

10 (f) "Restricted entity" means an entity holding more than a 10 percent
11 ownership interest in a permittee or licensee.

12 (g) "Restricted investor" means a restricted individual or restricted entity.

13 (h) "Retail license or permit" means a Class "A," Class "B," "Class A," "Class B,"
14 or "Class C" license, a Class "B" or "Class B" permit, or a no-sale event venue permit.

15 (i) "Retail licensee or permittee" means a person holding a retail license or
16 permit and includes a restricted individual of such a person.

17 **(2) PRODUCERS.** (a) No production permittee may hold any interest in any
18 distribution permittee.

19 (b) No production permittee may hold any interest in any retail licensee or
20 permittee, except as authorized under s. 125.295.

21 **(3) DISTRIBUTORS.** (a) No distribution permittee may hold any interest in any
22 retail licensee or permittee.

23 (b) No distribution permittee may hold any interest in any production
24 permittee, except as provided in s. 125.28 (2) (d).

1 **(4) RETAILERS.** (a) No retail licensee or permittee may hold any interest in any
2 distribution permittee.

3 (b) No retail licensee or permittee may hold any interest in any production
4 permittee, except as authorized under s. 125.295.

5 **(5) CONSTRUCTION OF SECTION; AUTHORIZED CROSS-TIER ACTIVITY.** (a) For purposes
6 of this section and s. 125.01, permittees are categorized under the 3-tier system as
7 follows:

8 1. A production permittee operates within the production tier.

9 2. A distribution permittee operates within the distribution tier.

10 3. A retail licensee or permittee operates within the retail tier.

11 (b) This section does not prohibit a licensee or permittee from engaging in any
12 activity that this chapter explicitly authorizes for the type of license or permit held
13 or that is explicitly authorized under the terms of the license or permit.

14 (c) To the extent there is a conflict between any provision of subs. (2) to (4) and
15 any provision of ss. 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2)
16 (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1), the provisions of ss. 125.25 (2) (b),
17 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3)
18 (c), and 125.69 (1) are controlling.

19 (d) If a license or permit may not be issued to a person under s. 125.25 (2) (b),
20 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3)
21 (c), or 125.69 (1), the person may not acquire an interest prohibited under s. 125.25
22 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30
23 (3) (c), or 125.69 (1) after the license or permit has been issued.

1 **(6) PERMISSIBLE INTERESTS.** (a) Notwithstanding subs. (2) to (4), a licensee or
2 permittee may be owned in part by, or grant an ownership interest to, a restricted
3 investor in a different tier if all of the following are satisfied:

4 1. No single restricted investor holds more than a 10 percent ownership
5 interest in the licensee or permittee, including any passive or disregarded entity
6 connected to the restricted investor.

7 2. No restricted investor serves as an officer, director, manager, operator, or
8 agent of the licensee or permittee.

9 3. No restricted investor is involved in the day-to-day operations of the
10 licensee or permittee or exerts any control over such operations beyond the person's
11 ability to vote as an owner.

12 4. The aggregate amount of ownership held by all restricted investors in the
13 licensee or permittee does not exceed 49 percent.

14 5. The licensee or permittee discloses all restricted investors to the division.

15 6. Each restricted investor executes an affidavit, on a form prescribed by the
16 division, swearing to a complete lack of involvement in the day-to-day operations
17 of, and lack of control over, the licensee or permittee beyond the restricted investor's
18 ability to vote as an owner. If the restricted investor is a restricted entity, the
19 affidavit shall be executed on behalf of the restricted entity by an individual who is
20 an officer or director of the restricted entity or who otherwise has management
21 authority over the restricted entity.

22 (b) A licensee or permittee, or a restricted individual of a licensee or permittee,
23 may enter into a landlord-tenant relationship with another licensee or permittee
24 operating in a different tier if all of the following are satisfied:

1 1. The lease or rental agreement explicitly states that the landlord has no
2 control over or day-to-day involvement in the business of the tenant.

3 2. No control or involvement in the business of the tenant by the landlord exists.

4 3. The landlord and tenant maintain compliance with ss. 125.33 and 125.69,
5 as applicable and subject to s. 125.33 (2) (hr), and this requirement is set forth in the
6 lease or rental agreement.

7 4. The lease or rental agreement is in writing and disclosed to the division for
8 review.

9 (c) Notwithstanding subs. (2) to (4), a spouse may have an interest in the license
10 or permit of the other spouse if all of the following are satisfied:

11 1. The marriage is governed by a valid marital property agreement or
12 prenuptial agreement.

13 2. The marital property agreement or prenuptial agreement was disclosed on
14 any license or permit application.

15 3. A copy of the marital property agreement or prenuptial agreement is
16 provided to the municipal clerk or division prior to issuance of the license or permit.

17 4. Both spouses execute an affidavit, on a form prescribed by the division,
18 swearing to a complete lack of involvement in the day-to-day operations of, and lack
19 of control over, each respective business.

20 (d) For purposes of subs. (2) to (4), employment in a nonmanagerial capacity
21 for a licensee or permittee is not an interest in the licensee or permittee.

22 **SECTION 26ao.** 125.20 (5) (c) and (d) of the statutes, as created by 2023
23 Wisconsin Act (this act), are amended to read:

24 125.20 (5) (c) To the extent there is a conflict between any provision of subs. (2)
25 to (4) and any provision of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7),

1 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1), the
2 provisions of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b),
3 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1) are controlling.

4 (d) If a license or permit may not be issued to a person under s. 125.24 (3),
5 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a)
6 6., 125.30 (3) (c), or 125.69 (1), the person may not acquire an interest prohibited
7 under s. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2)
8 (a), 125.295 (2) (a) 6., 125.30 (3) (c), or 125.69 (1) after the license or permit has been
9 issued.

10 **SECTION 26ap.** 125.21 of the statutes is created to read:

11 **125.21 Production agreements. (1) DEFINITIONS.** In this section:

12 (a) “Alternating proprietorship” means an arrangement in which a host
13 producer provides use of space and equipment, and may additionally provide
14 personnel, to a guest producer for the production of alcohol beverages.

15 (b) “Bottling” means placing alcohol beverages into sealed finished packages,
16 including cans, bottles, boxes, bags, kegs, barrels, or any other packaging of finished
17 products. When “bottle” is used as a verb, it has the same meaning as “bottling.”

18 (c) “Contract producer” means a producer who directly manufactures, bottles,
19 or labels alcohol beverages as an agent of a recipe producer or out-of-state recipe
20 supplier.

21 (d) “Contract production” means a contract, agreement, or business
22 arrangement described in sub. (3) (b) whereby a recipe producer or out-of-state
23 recipe supplier provides consideration to a contract producer for the production,
24 bottling, or labeling of alcohol beverages.

1 (e) “Guest producer” means a producer who enters into a contract, agreement,
2 or business arrangement with a host producer whereby the producer has use of the
3 host producer’s premises and equipment, and may have use of the host producer’s
4 personnel, for the production of the guest producer’s alcohol beverages.

5 (f) “Host producer” means a producer who enters into a contract, agreement,
6 or business arrangement with a guest producer whereby the guest producer has use
7 of the producer’s premises and equipment, and may have use of the producer’s
8 personnel, for the production of the guest producer’s alcohol beverages.

9 (g) “Licensing agreement” means an agreement between a licensor and a
10 producer for the production of alcohol beverages containing the name, symbol, or
11 mark of the licensor.

12 (h) “Out-of-state recipe supplier” means a person to whom all of the following
13 applies:

14 1. The person is located in another state and produces alcohol beverages in that
15 state.

16 2. The person does not hold a permit under this chapter, other than a permit
17 issued under s. 125.30, 125.535, or 125.58.

18 3. The person purchases alcohol beverages from a producer that are
19 manufactured consistently with a recipe provided by the person or are bottled or
20 labeled for the person.

21 (i) “Producer” means a brewer holding a permit under s. 125.29, brewpub
22 holding a permit under s. 125.295, winery holding a permit under s. 125.53,
23 manufacturer holding a permit under s. 125.52, or rectifier holding a permit under
24 s. 125.52.

1 (j) "Recipe producer" means a producer who purchases alcohol beverages from
2 another producer that are manufactured consistently with a recipe provided by the
3 recipe producer or are bottled or labeled for the recipe producer.

4 **(2) PRODUCTION ARRANGEMENTS AUTHORIZED; AGREEMENTS BETWEEN SAME**
5 **PRODUCER TYPE.** (a) Production arrangements under subs. (3) to (5) are authorized
6 as provided in this section. A permittee that enters into such a production
7 arrangement does not act as an agent for or in the employ of another under s. 125.52
8 (3) or 125.53 (2), and such a production arrangement is not a prohibited interest
9 under s. 125.20.

10 (b) Except as provided in sub. (3) (b) 2. and 3., agreements authorized under
11 this section may be entered into only by producers who hold permits issued under the
12 same section of this chapter.

13 **(3) CONTRACT PRODUCTION.** (a) An agreement for contract production shall
14 comply with the requirements of this subsection.

15 (b) An agreement for contract production may be entered into between any of
16 the following:

- 17 1. Two producers possessing the same type of permit.
- 18 2. A permittee under s. 125.29, as the contract producer, and a permittee under
19 s. 125.295, as the recipe producer.
- 20 3. A producer and an out-of-state recipe supplier.

21 (c) All contract production activities shall occur pursuant to a written
22 agreement between the contract producer and the recipe producer or out-of-state
23 recipe supplier.

24 (d) 1. Except as provided in subd. 2., alcohol beverages produced under an
25 agreement for contract production between a contract producer and a recipe

1 producer shall count toward the production volume of the recipe producer and shall
2 be considered, for this purpose, as produced on the recipe producer's premises.

3 2. Alcohol beverages produced under an agreement for contract production
4 between a contract producer and a recipe producer may not be considered in
5 determining production volume for purposes of ss. 125.29 (7), 125.52 (4), and 125.53
6 (3), but shall be considered as produced by the recipe producer for other purposes
7 under ss. 125.29 (7), 125.52 (4), and 125.53 (3).

8 (e) The recipe producer shall be considered the producer for purposes of filing
9 reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and
10 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured
11 under a contract production agreement in the report required under s. 139.11 (2).
12 For alcohol beverages produced under an agreement for contract production between
13 a contract producer and a recipe producer, the contract producer shall exclude the
14 alcohol beverages from reports required under s. 139.11 (2).

15 **(4) ALTERNATING PROPRIETORSHIP.** (a) An alternating proprietorship shall
16 comply with the requirements of this subsection.

17 (b) All alternating proprietorships shall occur pursuant to a written agreement
18 between the host producer and guest producer.

19 (c) The agreement under par. (b) shall provide that the guest producer retains
20 the right to control the production of the alcohol beverages. If the agreement
21 provides that the host producer and host producer's personnel are agents of the guest
22 producer or acting under the direction of the guest producer, the agreement shall
23 specify the terms and compensation for the use of the host producer's personnel.

24 (d) The guest producer shall be considered the producer for purposes of filing
25 reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and

1 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured
2 under an alternating proprietorship in the report required under s. 139.11 (2). The
3 host producer shall exclude alcohol beverages manufactured in an alternating
4 proprietorship from reports required under s. 139.11 (2).

5 (e) Alcohol beverages produced under an alternating proprietorship shall count
6 toward the production volume of the guest producer and shall be considered, for this
7 purpose, as produced on the guest producer's premises.

8 **(5) LICENSING AGREEMENTS.** (a) A producer may enter into a licensing
9 agreement or contract with a licensor authorizing the producer-licensee to use the
10 licensor's trademark or name if all of the following requirements are satisfied:

- 11 1. The licensing agreement or contract is in writing.
- 12 2. The producer-licensee is entirely responsible for producing the alcohol
13 beverages and for all related processing steps and regulatory requirements.

14 (b) Alcohol beverages produced under the licensing agreement shall count
15 toward the production volume of the producer-licensee and shall be considered, for
16 this purpose, as produced on the producer-licensee's premises.

17 **SECTION 26a.** 125.22 of the statutes is created to read:

18 **125.22 Common carrier permit; shipments into state. (1) PERMIT.** (a)
19 No common carrier may transport into or deliver within this state any alcohol
20 beverages unless the common carrier first obtains a permit from the division under
21 this section. This subsection does not apply to the transportation into this state for
22 delivery to, or delivery within this state to, a person that holds a license or permit
23 issued under this chapter that authorizes the licensee or permittee to receive the
24 alcohol beverages.

1 (b) A permit under this section authorizes only the transport into or delivery
2 within this state of wine on behalf of a person holding a direct wine shipper's permit
3 under s. 125.535 or a fulfillment house permit under s. 125.23.

4 (c) An applicant for a permit under this section shall provide all information
5 required by the division. The division shall require the applicant to submit
6 information, as determined to be appropriate by the division, that is similar to the
7 information required of an applicant for a permit under s. 125.58.

8 (d) A permit under this section may be issued only to a person who holds a valid
9 certificate issued under s. 73.03 (50).

10 (e) A permittee under this section shall pay an annual fee of \$1,000.

11 **(2) REPORTS.** (a) No later than the 15th day of each month, a common carrier
12 holding a permit under this section shall submit a verified report to the division, in
13 the form and manner prescribed by the division, that includes all of the following
14 information for each shipment of alcohol beverages during the preceding month:

15 1. The name and address of the person that manufactured the alcohol
16 beverages.

17 2. The name and address of the consignor of the shipment, if different from the
18 person that manufactured the alcohol beverages.

19 3. The name and address of the consignee of the shipment.

20 4. The date of the shipment.

21 5. The type and quantity of alcohol beverages shipped to the consignee, as
22 reported to the common carrier by the consignor.

23 6. The parcel tracking number, waybill number, or other identifying number
24 for the shipment.

1 (b) The division and the department shall keep confidential the information
2 under par. (a) 3. and 6., and this information is not subject to public copying or
3 inspection under s. 19.35 (1), but all other information included in a report under par.
4 (a) is subject to public copying and inspection under s. 19.35 (1) and may not be
5 treated by the division or the department as confidential under any provision of s.
6 71.78, 71.83, or 139.11 (4).

7 (c) Nothing in this section alters the requirement that a person shipping alcohol
8 beverages into this state obtain all required permits under this chapter prior to
9 shipment, including any permit under s. 125.535. Nothing in this section grants a
10 manufacturer, rectifier, or shipper of alcohol beverages, including a winery, authority
11 to ship alcohol beverages into this state. Nothing in this section alters the
12 face-to-face sales requirement in ss. 125.272 and 125.51 (6).

13 **(3) PENALTIES.** (a) Any common carrier that fails to obtain a permit required
14 under sub. (1) prior to commencing delivery of alcohol beverages in this state is
15 subject to a fine of not more than \$10,000.

16 (b) Any common carrier that ships alcohol beverages other than wine obtained
17 from a direct wine shipper permittee under s. 125.535 or from a fulfillment house
18 permittee under s. 125.23 is subject to a forfeiture of not more than \$2,000. The
19 division shall revoke the permit of any common carrier that violates this prohibition
20 in more than one month during a calendar year. Except as provided in this
21 paragraph, s. 125.12 (5) shall apply with respect to the division's revocation of the
22 permit.

23 (c) If a common carrier fails to submit a report required under sub. (2), the
24 common carrier is subject to a forfeiture of not more than \$2,000.

25 **SECTION 26ar.** 125.23 of the statutes is created to read:

1 **125.23 Fulfillment houses. (1) PERMIT.** (a) Before making any shipment to,
2 or causing any shipment to be made to, any individual in this state, a person
3 operating a fulfillment house shall obtain from the division a fulfillment house
4 permit for each location that is involved in the process of shipping wine to residents
5 of this state.

6 (b) A person holding a permit under this section may provide services only for
7 the warehousing, packaging, order fulfillment, and shipment of alcohol beverages
8 produced by and belonging to a person holding a direct wine shipper's permit under
9 s. 125.535.

10 (c) An applicant for a permit under this section shall pay an annual fee of \$100
11 for each permit. The permit may be issued for a period of one year and may be
12 renewed annually.

13 (d) A permit under this section may be issued only to a person who holds a valid
14 certificate issued under s. 73.03 (50).

15 **(2) PERMIT APPLICATION.** (a) An applicant for a permit under this section shall
16 provide all of the following information as part of the permit application:

17 1. All locations from which alcohol beverages are to be shipped under the
18 permit.

19 2. Any other information required by the division. The division shall require
20 the applicant to submit information, as determined to be appropriate by the division,
21 that is similar to the information required of an applicant for a permit under s.
22 125.58.

23 (b) Notwithstanding s. 125.04 (5) (a), natural persons obtaining fulfillment
24 house permits are not required to be residents of this state. Notwithstanding s.
25 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server

1 training course to be eligible for a permit under this section. Corporations and
2 limited liability companies obtaining fulfillment house permits are subject to s.
3 125.04 (6) and any other person, including any natural person or cooperative,
4 obtaining a fulfillment house permit shall appoint an agent, and be subject to all
5 provisions of s. 125.04 (6), in the same manner applicable to corporations and limited
6 liability companies.

7 **(3) PACKAGE LABELING.** A person holding a permit under this section shall
8 ensure all containers of wine shipped directly to an individual in this state are
9 labeled with all of the following information:

10 (a) The following words, appearing in capital letters and in a conspicuous
11 location: “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
12 REQUIRED FOR DELIVERY.”

13 (b) The name, address, and permit number of the fulfillment house permittee
14 and the name, address, and permit number of the direct wine shipper.

15 **(4) SHIPMENT.** (a) A fulfillment house permittee may not ship into this state
16 wine from any person not holding a direct wine shipper’s permit under s. 125.535.

17 (b) A fulfillment house permittee may not ship wine into this state through a
18 common carrier that does not hold a permit under s. 125.22. All containers of wine
19 shipped directly to an individual in this state shall be shipped using a common
20 carrier holding a permit issued under s. 125.22.

21 (c) Prior to shipping wine to an individual in this state, a fulfillment house
22 permittee shall verify the validity of the permit of each direct wine shipper and of
23 each common carrier associated with the shipment.

24 **(5) REPORTS.** (a) No later than the 15th day of each month, a fulfillment house
25 holding a permit under this section shall submit a verified report to the division, in

1 the form and manner prescribed by the division, that includes all of the following
2 information for each shipment of alcohol beverages during the preceding month:

3 1. The name and address of the person that manufactured the alcohol
4 beverages.

5 2. The name and address of the consignor of the shipment, if different from the
6 person that manufactured the alcohol beverages.

7 3. The name and address of the consignee of the shipment.

8 4. The date of the shipment.

9 5. The type and quantity of alcohol beverages shipped to the consignee.

10 6. The parcel tracking number, waybill number, or other identifying number
11 for the shipment.

12 (b) The division and the department shall keep confidential the information
13 under par. (a) 3. and 6., and this information is not subject to public copying or
14 inspection under s. 19.35 (1), but all other information included in a report under par.
15 (a) is subject to public copying and inspection under s. 19.35 (1) and may not be
16 treated by the division or the department as confidential under any provision of s.
17 71.78, 71.83, or 139.11 (4).

18 **(6) PENALTIES.** (a) Any fulfillment house that fails to obtain a permit under this
19 section in violation of sub. (1) is subject to a fine of not more than \$10,000.

20 (b) Any permittee under this section that ships alcohol beverages other than
21 wine obtained from a direct wine shipper holding a permit under s. 125.535 is subject
22 to a forfeiture of not more than \$2,000. The division shall revoke the permit of any
23 permittee that violates this prohibition in more than one month during a calendar
24 year. Except as provided in this paragraph, s. 125.12 (5) shall apply with respect to
25 the division's revocation of the permit.

1 (c) If a fulfillment house fails to submit a report required under sub. (5), the
2 fulfillment house is subject to a forfeiture of not more than \$2,000.

3 **SECTION 26at.** 125.24 of the statutes is created to read:

4 **125.24 No-sale event venue permit. (1) PERMIT ISSUANCE.** (a) Except as
5 otherwise provided in this section, the division may issue to property owners no-sale
6 event venue permits that authorize the permittee to rent or lease real property for
7 use as an event venue at which fermented malt beverages and wine are consumed
8 if all requirements under this section are satisfied.

9 (b) A no-sale event venue permit may be issued only to a person who holds a
10 valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except
11 that a person is not required to complete a responsible beverage server training
12 course to be eligible for a permit under this section.

13 (c) A no-sale event venue permit may not be issued unless all of the following
14 are satisfied:

15 1. The applicant certifies in the permit application how many events were held
16 at the venue in the 12-month period immediately preceding the application.

17 2. The applicant identifies with specificity in the permit application the
18 property that is the event venue covered by the permit.

19 (d) Subject to sub. (2) (c) 3., a permit may not be issued under this section for
20 premises that are covered by any other license or permit under this chapter, but a
21 caterer holding Class "B" and "Class B" licenses may deliver fermented malt
22 beverages and wine to the event venue if all requirements under sub. (2) are
23 satisfied.

24 (e) The division shall establish an annual fee, calculated to cover the division's
25 administrative costs under this section, for a permit issued under this section.

1 **(2) ACTIVITIES AUTHORIZED UNDER PERMIT.** (a) A no-sale event venue permit
2 authorizes the permittee to rent or lease real property for use as an event venue at
3 which fermented malt beverages and wine are consumed on no more than 6 days per
4 calendar year and no more than one day per month.

5 (b) 1. A no-sale event venue permittee may not sell or otherwise provide alcohol
6 beverages to the renter or lessee of the event venue or to any guest or attendee of an
7 event on the event venue, including charging admission for an event on the event
8 venue at which any alcohol beverages are served.

9 2. A no-sale event venue permittee may not allow any person to possess
10 distilled spirits on the event venue when the event venue is being used by a renter
11 or lessee.

12 (c) Subject to pars. (d) and (e), a no-sale event venue permit authorizes the
13 permittee to do any of the following:

14 1. Allow the renter or lessee of the event venue to bring the renter's or lessee's
15 own fermented malt beverages and wine onto the event venue and serve it to guests
16 without charge.

17 2. Allow the guests of the renter or lessee to bring fermented malt beverages
18 and wine onto the event venue to be consumed by the guests without charge.

19 3. Allow the renter or lessee to obtain temporary Class "B" and "Class B"
20 licenses for an event held on the event venue and sell fermented malt beverages and
21 wine under the temporary Class "B" and "Class B" licenses on the event venue.

22 4. Allow the renter or lessee to contract with a caterer holding Class "B" and
23 "Class B" licenses for the caterer to provide fermented malt beverages and wine to
24 the renter or lessee and the renter's or lessee's guests without charge on the event
25 venue.

1 (d) If a renter or lessee of an event venue contracts with a caterer as provided
2 in par. (c) 4., all of the following apply:

3 1. Neither the renter or lessee of the event venue nor any guest of the renter
4 or lessee may bring alcohol beverages onto the event venue.

5 2. The caterer may serve the fermented malt beverages and wine that are
6 provided on the event venue, but service shall be performed only by persons holding
7 an operator's license under s. 125.17.

8 3. The caterer may not provide fermented malt beverages or wine on the event
9 venue unless the renter or lessee has first purchased the fermented malt beverages
10 or wine from the caterer in a face-to-face transaction at the caterer's licensed retail
11 premises.

12 (e) A renter or lessee of an event venue covered by a permit under this section
13 may not do any of the following:

14 1. Except as provided in par. (c) 3., sell any alcohol beverages to guests or
15 attendees of an event on the event venue, including charging admission for an event
16 on the event venue at which any alcohol beverages are served.

17 2. Allow any person to possess distilled spirits on the event venue.

18 3. If there are 20 or more people on the event venue, allow the service of
19 fermented malt beverages or wine unless the service is performed by a person
20 holding an operator's license under s. 125.17.

21 **(3) INTEREST RESTRICTIONS.** Subject to s. 125.20 (6), a no-sale event venue
22 permit may not be issued to any person who holds, or has an interest in a permittee
23 holding, any of the following:

24 (a) A wholesaler's permit issued under s. 125.28 or 125.54.

25 (b) A brewer's permit issued under s. 125.29.

1 (c) A brewpub permit issued under s. 125.295.

2 (d) A winery permit issued under s. 125.53.

3 (e) A manufacturer's or rectifier's permit issued under s. 125.52.

4 (f) An out-of-state shipper's permit issued under s. 125.30 or 125.58.

5 **(4) EXCEPTION FOR PERMITTEE APPLYING FOR RETAIL LICENSE.** Notwithstanding
6 any operating limitation in sub. (1) or (2), a permittee under this section that has
7 applied for and is actively seeking a Class "B" or "Class B" license for the event venue
8 covered by the no-sale event venue permit may, for 6 months after the date of the
9 Class "B" or "Class B" license application, continue to operate in a manner similar
10 to the manner in which it operated in the immediately preceding 12-month period
11 if all of the following apply:

12 (a) The permittee has determined that it can no longer operate under the
13 no-sale event venue permit.

14 (b) The permittee has provided notice to the division of the application for a
15 Class "B" or "Class B" license.

16 (c) The permittee has not previously held a no-sale event venue permit for
17 which the permittee provided notice under par. (b).

18 **(5) QUOTA EXCEPTION FOR QUALIFYING PERSONS WHO OPT OUT OF NO-SALE EVENT**
19 **VENUE PERMIT.** (a) In this subsection, "qualifying event venue" means real property
20 that is rented or leased for use as an event venue for private events that satisfy all
21 of the following requirements in the preceding 12-month period:

22 1. There were at least 5 events held at the venue at which no fewer than 50
23 invited guests attended.

24 2. The venue owner received at least \$20,000 in revenue from renting or leasing
25 the venue for the events under subd. 1.

1 (b) Upon application, the division shall certify an owner of a qualifying event
2 venue as eligible for the quota exception under s. 125.51 (4) (v) 5. if all of the following
3 apply:

4 1. The qualifying event venue is in operation on the effective date of this
5 subdivision [LRB inserts date], and has been in operation for the 12-month period
6 immediately preceding the date of the application.

7 2. The qualifying event venue has not been a “Class B” licensed premises at any
8 time in the 12-month period immediately preceding the date of the application.

9 3. The owner of the qualifying event venue has not applied for a permit under
10 this section.

11 4. The owner of the qualifying event venue provides documentation to the
12 division that, in the absence of the exception under s. 125.51 (4) (v) 5., the
13 municipality in which the qualifying event venue is located would be prohibited
14 under s. 125.51 (4) (am) from issuing the owner a “Class B” license.

15 5. The owner of the qualifying event venue provides documentation to the
16 division showing, and the division confirms, that the requirements under subd. 1.
17 and par. (a) are satisfied.

18 6. The owner of the qualifying event venue provides notice to the division no
19 later than 60 days after the effective date of this subdivision [LRB inserts date],
20 that the owner is applying for a “Class B” license and is not seeking a no-sale event
21 venue permit.

22 (c) The division shall act on an application for certification under par. (b) within
23 30 days of receiving the application.

1 (d) The division may not issue a certification under par. (b) after the first day
2 of the 7th month beginning after the effective date of this paragraph [LRB inserts
3 date].

4 **SECTION 26ax.** 125.25 (2) (b) of the statutes is repealed and recreated to read:

5 125.25 (2) (b) Subject to s. 125.20 (6), a Class “A” license may not be issued to
6 any person who holds, or has an interest in a permittee holding, any of the following:

- 7 1. A wholesaler’s permit issued under s. 125.28 or 125.54.
- 8 2. A brewer’s permit issued under s. 125.29.
- 9 3. A brewpub permit issued under s. 125.295.
- 10 4. A winery permit issued under s. 125.53.
- 11 5. A manufacturer’s or rectifier’s permit issued under s. 125.52.
- 12 6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

13 **SECTION 26bb.** 125.26 (2) (b) of the statutes is repealed and recreated to read:

14 125.26 (2) (b) Subject to s. 125.20 (6), a Class “B” license may not be issued to
15 any person who holds, or has an interest in a permittee holding, any of the following:

- 16 1. A wholesaler’s permit issued under s. 125.28 or 125.54.
- 17 2. A brewer’s permit issued under s. 125.29.
- 18 3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. b., and (3) (b), a brewpub
19 permit issued under s. 125.295.
- 20 4. A winery permit issued under s. 125.53.
- 21 5. A manufacturer’s or rectifier’s permit issued under s. 125.52.
- 22 6. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

23 **SECTION 26bc.** 125.26 (2m) of the statutes is amended to read:

24 125.26 (2m) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class “B” license
25 authorizes a person operating a hotel to furnish a registered guest who has attained

1 the legal drinking age with a selection of fermented malt beverages in the guest's
2 room which is not part of the Class "B" premises. Fermented malt beverages
3 furnished under this subsection shall be furnished in original packages or containers
4 and stored in a cabinet, refrigerator or other secure storage place. The cabinet,
5 refrigerator or other secure storage place must be capable of being locked. The
6 cabinet, refrigerator or other secure storage place shall be locked, or the fermented
7 malt beverages shall be removed from the room, when the room is not occupied and
8 when fermented malt beverages are not being furnished under this subsection. A key
9 for the lock shall be supplied to a guest who has attained the legal drinking age upon
10 request at registration. The hotel shall prominently display a price list of the
11 fermented malt beverages in the hotel room. Fermented malt beverages may be
12 furnished at the time the guest occupies the room, but for purposes of this chapter,
13 the sale of fermented malt beverages furnished under this subsection is considered
14 to occur at the time and place that the guest pays for the fermented malt beverages.
15 Notwithstanding s. 125.32 (3), the guest may pay for the fermented malt beverages
16 at any time if he or she pays in conjunction with checking out of the hotel. An
17 individual who stocks or accepts payment for alcohol beverages under this
18 subsection shall be the licensee, the agent named in the license if the licensee is a
19 corporation or limited liability company, or the holder of a manager's or operator's
20 license or operator's permit, or be supervised by one of those individuals.

21 **SECTION 26bd.** 125.26 (2s) (b) of the statutes is amended to read:

22 125.26 (2s) (b) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class "B" license
23 authorizes a person operating a coliseum or a concessionaire to furnish the holder
24 of a coliseum suite who has attained the legal drinking age with a selection of
25 fermented malt beverages in the coliseum suite that is not part of the Class "B"

1 premises. Fermented malt beverages furnished under this paragraph shall be
2 furnished in original packages or containers and stored in a cabinet, refrigerator or
3 other secure storage place. The cabinet, refrigerator or other secure storage place
4 or the coliseum suite must be capable of being locked. The cabinet, refrigerator or
5 other secure storage place or the coliseum suite shall be locked, or the fermented malt
6 beverages shall be removed from the coliseum suite, when the coliseum suite is not
7 occupied and when fermented malt beverages are not being furnished under this
8 paragraph. Fermented malt beverages may be furnished at the time the holder
9 occupies the coliseum suite, but for purposes of this chapter, the sale of fermented
10 malt beverages furnished under this paragraph is considered to occur at the time and
11 place that the holder pays for the fermented malt beverages. Notwithstanding s.
12 125.32 (3), the holder of a coliseum suite may pay for the fermented malt beverages
13 at any time if he or she pays in accordance with the terms of an agreement with the
14 person operating the coliseum or with the concessionaire. An individual who stocks
15 or accepts payment for alcohol beverages under this paragraph shall be the licensee,
16 the agent named in the license if the licensee is a corporation or limited liability
17 company, or the holder of a manager's or operator's license or operator's permit, or
18 be supervised by one of those individuals.

19 **SECTION 26be.** 125.27 (1) (a) of the statutes is amended to read:

20 125.27 (1) (a) The ~~department~~ division shall issue Class "B" permits to clubs
21 holding a valid certificate issued under s. 73.03 (50) that are operated solely for the
22 playing of golf or tennis and are commonly known as country clubs and to clubs that
23 are operated solely for curling, ski jumping or yachting, if the club is not open to the
24 general public and if no Class "B" licenses are issued by the governing body of the
25 municipality in which the club is located. A Class "B" permit authorizes retail sales

1 of fermented malt beverages to be consumed on the premises where sold. Persons
2 holding a Class “B” permit may sell beverages containing less than 0.5 percent of
3 alcohol by volume without obtaining a license under s. 66.0433.

4 **SECTION 26bf.** 125.27 (2) (a) 1. (intro.) of the statutes is amended to read:

5 125.27 (2) (a) 1. (intro.) The ~~department~~ division may issue a Class “B” permit
6 to any person who holds a valid certificate issued under s. 73.03 (50) and who is
7 qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for
8 consumption on any vessel having a regular place of mooring located in any waters
9 of this state as defined under s. 29.001 (45) and (63) if any of the following applies:

10 **SECTION 26bg.** 125.27 (2) (a) 2. of the statutes is amended to read:

11 125.27 (2) (a) 2. The ~~department~~ division may issue the permit only if the vessel
12 leaves its place of mooring while the sale of fermented malt beverages is taking place
13 and if the vessel fulfills the requirement under par. (am). A permit issued under this
14 paragraph also authorizes the permittee to store fermented malt beverages
15 purchased for sale on the vessel on premises owned or leased by the permittee and
16 located near the vessel’s regular place of mooring. The permittee shall describe on
17 the permit application under s. 125.04 (3) (a) 3. the premises where the fermented
18 malt beverages will be stored. The premises shall be open to inspection by the
19 ~~department~~ division upon request.

20 **SECTION 26bh.** 125.27 (3) (b) of the statutes is amended to read:

21 125.27 (3) (b) Upon application, the ~~department~~ division shall issue a Class “B”
22 permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is
23 qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of
24 fermented malt beverages for consumption on or off the premises where sold.

25 **SECTION 26bi.** 125.27 (5) (b) and (f) of the statutes are amended to read:

1 125.27 (5) (b) The ~~department~~ division may issue Class “B” permits for
2 locations within racetrack grounds to any person that holds a valid certificate issued
3 under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner
4 or operator of the racetrack grounds or is designated by the owner or operator of the
5 racetrack grounds to operate premises located within the racetrack grounds. Subject
6 to par. (e), the permit authorizes the retail sale of fermented malt beverages on the
7 premises covered by the permit, for consumption anywhere within the racetrack
8 grounds. If the ~~department~~ division issues more than one permit under this
9 subsection for the same racetrack grounds, no part of the premises covered by a
10 permit under this subsection may overlap with premises covered by any other permit
11 issued under this subsection.

12 (f) The ~~department~~ division shall establish a fee for a permit issued under this
13 subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

14 **SECTION 26bj.** 125.27 (7) of the statutes is created to read:

15 125.27 (7) INTEREST RESTRICTIONS. Subject to s. 125.20 (6), a Class “B” permit
16 may not be issued to any person who holds, or has an interest in a permittee holding,
17 any of the following:

18 (a) A wholesaler’s permit issued under s. 125.28 or 125.54.

19 (b) A brewer’s permit issued under s. 125.29.

20 (c) A brewpub permit issued under s. 125.295.

21 (d) A winery permit issued under s. 125.53.

22 (e) A manufacturer’s or rectifier’s permit issued under s. 125.52.

23 (f) An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

24 **SECTION 26bk.** 125.275 (1) of the statutes is amended to read:

1 125.275 (1) The ~~department~~ division may issue an industrial fermented malt
2 beverages permit which authorizes the permittee to purchase and use fermented
3 malt beverages for industrial purposes only. Such permits may be issued only to
4 persons who prove to the ~~department~~ division that they use alcohol for industrial
5 purposes and who holds a valid certificate issued under s. 73.03 (50).

6 **SECTION 26bm.** 125.275 (2) (b) of the statutes is amended to read:

7 125.275 (2) (b) An industrial fermented malt beverages permit may not be
8 issued to a person holding a wholesaler's permit issued under s. 125.28 or to a person
9 who has ~~a direct or indirect ownership~~ an interest in a ~~premises operating under a~~
10 ~~wholesaler's permit issued~~ permittee under s. 125.28.

11 **SECTION 26bn.** 125.275 (3) of the statutes is amended to read:

12 125.275 (3) Shipments of industrial fermented malt beverages shall be
13 conspicuously labeled "for industrial purposes" and shall meet other requirements
14 which the ~~department~~ division prescribes by rule.

15 **SECTION 26bo.** 125.28 (1) (a) of the statutes is amended to read:

16 125.28 (1) (a) Subject to par. (b), the ~~department~~ division may issue permits to
17 wholesalers for the sale of fermented malt beverages from premises within this state,
18 which premises shall comply with the requirements under s. 125.34 (2). Subject to
19 s. 125.34, and except as provided in pars. (e) and (f), a wholesaler's permit authorizes
20 sales of fermented malt beverages only in original packages or containers to retailers
21 or wholesalers.

22 **SECTION 26bp.** 125.28 (1) (b) of the statutes is amended to read:

23 125.28 (1) (b) If a wholesaler does not maintain any warehouse in this state but
24 is licensed and maintains a warehouse in an adjoining state that allows wholesalers
25 holding a wholesaler's permit in this state to deliver fermented malt beverages to

1 retailers in the adjoining state without warehousing in that state and that further
2 requires that all fermented malt beverages be first unloaded and physically at rest
3 at, and distributed from, the warehouse of the licensed wholesaler in that state, the
4 wholesaler's permit shall be issued by the ~~department~~ division. Notwithstanding s.
5 125.04 (5) (a) 2. and (c) and (6), the ~~department~~ division may issue the wholesaler's
6 permit to a wholesaler described in this paragraph who is a natural person and not
7 a resident of this state or that is a corporation or limited liability company and has
8 not appointed an agent in this state.

9 **SECTION 26bq.** 125.28 (2) (b) (intro.) of the statutes is amended to read:

10 125.28 (2) (b) (intro.) ~~A~~ Subject to s. 125.20 (6), a wholesaler's permit may not
11 be issued to any of the following:

12 **SECTION 26br.** 125.28 (2) (b) 1. a. of the statutes is amended to read:

13 125.28 (2) (b) 1. a. A Class "A" license issued under s. 125.25 or "Class A" license
14 issued under s. 125.51 (2).

15 **SECTION 26bs.** 125.28 (2) (b) 1. b. of the statutes is amended to read:

16 125.28 (2) (b) 1. b. A Class "B" license issued under s. 125.26, "Class B" license
17 issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

18 **SECTION 26bt.** 125.28 (2) (b) 1. c. of the statutes is amended to read:

19 125.28 (2) (b) 1. c. A Class "B" permit issued under s. 125.27 or "Class B" permit
20 issued under s. 125.51 (5).

21 **SECTION 26bu.** 125.28 (2) (b) 1. g., h. and i. of the statutes are created to read:

22 125.28 (2) (b) 1. g. A winery permit issued under s. 125.53.

23 h. A manufacturer's or rectifier's permit issued under s. 125.52.

24 i. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

25 **SECTION 26bv.** 125.28 (2) (b) 1. j. of the statutes is created to read:

1 125.28 (2) (b) 1. j. A no-sale event venue permit issued under s. 125.24.

2 **SECTION 26bw.** 125.28 (2) (b) 2. of the statutes is amended to read:

3 125.28 (2) (b) 2. ~~Except as provided in s. 125.33 (2m)~~ Subject to s. 125.20 (6),
4 a person who has ~~a direct or indirect ownership~~ an interest in a premises operating
5 under person holding one or more of the licenses or permits listed in subd. 1. a. to f.

6 **SECTION 26bx.** 125.28 (2) (e) of the statutes is repealed.

7 **SECTION 26by.** 125.28 (4) of the statutes is amended to read:

8 125.28 (4) The amount of the permit fee shall be established by the ~~department~~
9 division and shall be an amount that is sufficient to fund one special agent position
10 dedicated to alcohol and tobacco enforcement at in the ~~department~~ division, but the
11 permit fee may not exceed \$2,500 per year or fractional part thereof. All permit fees
12 received under this subsection shall be credited to the appropriation account under
13 s. 20.566 (1) (hd).

14 **SECTION 26cc.** 125.28 (5) (b) of the statutes is amended to read:

15 125.28 (5) (b) A wholesaler under this section shall annually sell and deliver
16 fermented malt beverages to at least 25 retail licensees or other wholesalers that do
17 not have ~~any direct or indirect~~ an interest in each other or in the wholesaler. The
18 ~~department~~ division may not issue a permit under this section unless the applicant
19 represents to the ~~department~~ division an intention to satisfy this requirement, and
20 may not renew a permit issued under this section unless the wholesaler
21 demonstrates that this requirement has been satisfied.

22 **SECTION 26cd.** 125.28 (5) (d) 3. of the statutes is amended to read:

23 125.28 (5) (d) 3. This paragraph shall not affect the authority of any
24 municipality or the ~~department~~ division to revoke, suspend, or refuse to renew or
25 issue a license or permit under s. 125.12.

1 **SECTION 26ce.** 125.28 (5) (e) of the statutes is amended to read:

2 125.28 (5) (e) The ~~department~~ division shall promulgate rules to administer
3 and enforce the requirements under this subsection. The rules shall ensure
4 coordination between the ~~department's~~ division's issuance and renewal of permits
5 under this section and its enforcement of the requirements of this subsection, and
6 shall require that all applications for issuance or renewal of permits under this
7 section be processed by ~~department~~ division personnel generally familiar with
8 activities of fermented malt beverages wholesalers. The ~~department~~ division shall
9 establish by rule minimum requirements for warehouse facilities on premises
10 described in permits issued under this section and for periodic site inspections by the
11 ~~department~~ division of such warehouse facilities.

12 **SECTION 26cf.** 125.29 (1) of the statutes is amended to read:

13 125.29 (1) PERMIT. No person may operate as a brewer unless that person
14 obtains a permit from the ~~department~~ division. A permit under this section may only
15 be issued to a person who holds a valid certificate issued under s. 73.03 (50).

16 **SECTION 26cg.** 125.29 (2) (a) of the statutes is repealed and recreated to read:

17 125.29 (2) (a) Subject to s. 125.20 (6), a brewer's permit may not be issued to
18 any person who holds, or has an interest in a licensee or permittee holding, any of
19 the following:

20 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under
21 s. 125.51 (2).

22 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.
23 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

24 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under
25 s. 125.51 (5).

1 4. Except as provided in par. (c), a wholesaler's permit issued under s. 125.28
2 or 125.54.

3 5. A brewpub permit issued under s. 125.295.

4 **SECTION 26ch.** 125.29 (2) (a) 6. of the statutes is created to read:

5 125.29 (2) (a) 6. A no-sale event venue permit under s. 125.24.

6 **SECTION 26ci.** 125.29 (2) (b) 1. and 2. of the statutes are repealed.

7 **SECTION 26cj.** 125.29 (2) (b) 3. of the statutes is renumbered 125.29 (2) (c).

8 **SECTION 26ck.** 125.29 (3) (intro.) of the statutes is amended to read:

9 125.29 (3) AUTHORIZED ACTIVITIES. (intro.) The ~~department~~ division shall issue
10 brewer's permits to eligible applicants authorizing all of the following:

11 **SECTION 26cm.** 125.29 (3) (c) of the statutes is amended to read:

12 125.29 (3) (c) The transportation of fermented malt beverages between the
13 brewery premises and any depot ~~or~~ warehouse, or full-service retail outlet
14 maintained by the brewer, off-site retail outlet established by the brewer, or other
15 premises for which the brewer holds a permit under this chapter.

16 **SECTION 26cn.** 125.29 (3) (dm) of the statutes is created to read:

17 125.29 (3) (dm) The sale, shipment, transportation, and delivery of fermented
18 malt beverages, in bulk or in any state of packaging, that have been manufactured
19 by the brewer to another brewer holding a permit under this section, and the receipt
20 of the fermented malt beverages by the other brewer.

21 **SECTION 26co.** 125.29 (3) (e) of the statutes is amended to read:

22 125.29 (3) (e) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub.
23 (7) (h), the retail sale of fermented malt beverages that have been manufactured on
24 the brewery premises or on other premises of the brewer for on-premise consumption

1 by individuals at ~~the brewery premises or an off-site retail outlet~~ established by the
2 brewer.

3 **SECTION 26cp.** 125.29 (3) (f) of the statutes is amended to read:

4 125.29 (3) (f) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub.
5 (7) (h), the retail sale to individuals of fermented malt beverages, in original
6 unopened packages or containers, that have been manufactured on the brewery
7 premises or on other premises of the brewer for off-premise consumption by
8 individuals, if the sale occurs at ~~the brewery premises or at an off-site retail outlet~~
9 established by the brewer.

10 **SECTION 26cq.** 125.29 (3) (g) of the statutes is repealed.

11 **SECTION 26cr.** 125.29 (3) (h) of the statutes is renumbered 125.29 (3) (h) (intro.)
12 and amended to read:

13 125.29 (3) (h) (intro.) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail
14 sale of intoxicating liquor, for ~~on-premise~~ on-premises consumption by individuals
15 at the brewery premises or an off-site retail outlet established by the brewer, if all
16 of the following apply:

17 1. The brewer held, on June 1, 2011, a license or permit authorizing the retail
18 sale of intoxicating liquor ~~and if~~ at the location.

19 2. The intoxicating liquor has been purchased by the brewer from a wholesaler
20 holding a permit under s. 125.54.

21 **SECTION 26cs.** 125.29 (3) (h) 3. of the statutes is created to read:

22 125.29 (3) (h) 3. The brewer is not eligible to make full-service retail sales
23 under sub. (7) at the location.

24 **SECTION 26ct.** 125.29 (3) (i) of the statutes is amended to read:

1 125.29 (3) (i) The provision of free taste samples on the brewery premises, at
2 an off-site retail outlet established by the brewer, or at the brewer's full-service
3 retail outlet if the taste samples are of alcohol beverages the brewer is authorized to
4 sell under sub. (3) (e) and (f) or (7) (c) or as authorized under s. 125.33 (12).

5 **SECTION 26cu.** 125.29 (6) of the statutes is amended to read:

6 125.29 (6) RESTAURANTS. A brewer may operate a restaurant on the brewery
7 premises ~~and, at an off-site retail outlet established by the brewer. A brewer may~~
8 ~~not operate a restaurant at any other location except that a brewer may possess or~~
9 ~~hold an indirect interest in a Class "B" license for not more than 20 restaurants in~~
10 ~~each of which the sale of alcohol beverages accounts for less than 60 percent of the~~
11 ~~restaurant's gross receipts if no fermented malt beverages manufactured by the~~
12 ~~brewer are offered for sale in any of these restaurants, and at any full-service retail~~
13 outlet under sub. (7). Unless engaged in retail sales under sub. (7), a brewer
14 operating a restaurant may only sell alcohol beverages that have been manufactured
15 under the brewer's own brewer's permit.

16 **SECTION 26cv.** 125.29 (7) and (8) of the statutes are created to read:

17 125.29 (7) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding
18 ss. 125.04 (9) and 125.09 (1), a brewer may make retail sales, on the brewery
19 premises, of fermented malt beverages that have been manufactured by the brewer
20 on the brewery premises or on other premises of the brewer, for on-premises or
21 off-premises consumption.

22 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a brewer manufactured, on
23 all brewery premises operated by the brewer in this state, a cumulative total of at
24 least 250 barrels of fermented malt beverages in any one of the 3 preceding calendar
25 years, the brewer may engage in full-service retail sales on the brewery premises.

1 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and
2 (g), if a brewer manufactured, on all brewery premises operated by the brewer in this
3 state, a cumulative total of at least 250 barrels of fermented malt beverages in any
4 one of the 3 preceding calendar years, the brewer may engage in full-service retail
5 sales at off-site locations identified in the brewer's permit. Subject to pars. (f) and
6 (g), the number of retail sales locations a brewer is allowed in addition to the brewery
7 premises is determined by the cumulative volume of fermented malt beverages the
8 brewer manufactured on all brewery premises operated by the brewer in this state
9 in any one of the 3 preceding calendar years, as follows:

10 1. If the brewer's cumulative volume in a year was at least 250 barrels of
11 fermented malt beverages but less than 2,500 barrels of fermented malt beverages,
12 the brewer may establish one full-service retail outlet.

13 2. If the brewer's cumulative volume in a year was at least 2,500 barrels of
14 fermented malt beverages but less than 7,500 barrels of fermented malt beverages,
15 the brewer may establish not more than 2 full-service retail outlets.

16 3. If the brewer's cumulative volume in a year was at least 7,500 barrels of
17 fermented malt beverages, the brewer may establish not more than 3 full-service
18 retail outlets.

19 (c) 1. Except as provided in subd. 2. and par. (f), a brewer may make full-service
20 retail sales of alcohol beverages on the brewery premises and at any of its full-service
21 retail outlets only if the alcohol beverages were purchased by the brewer from a
22 wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to
23 make sales to retailers under sub. (3m), from a brewpub authorized to make sales
24 to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30 authorized
25 to make sales to retailers under s. 125.30 (4).

1 2. A brewer is not required to purchase from another permittee fermented malt
2 beverages manufactured by the brewer that the brewer sells at retail on the brewery
3 premises or at a full-service retail outlet of the brewer.

4 3. Subject to subd. 2. and par. (f), a brewer engaged in full-service retail sales
5 on brewery premises or at a full-service retail outlet of the brewer is subject to ss.
6 125.33 (9) and 125.69 (6) to the same extent as if the brewer were a retail licensee.

7 (d) 1. A brewer may not commence sales of alcohol beverages at a full-service
8 retail outlet unless, prior to commencing such sales, the brewer receives approval
9 from the municipality in which the full-service retail outlet is located and from the
10 division as provided in par. (g).

11 2. Subject to par. (f), a municipality may limit the scope of alcohol beverages
12 offered for sale at a full-service retail outlet only with respect to alcohol beverages
13 that are not of the same type as those produced by the person holding the brewer's
14 permit. A municipality may not limit the sale, at a full-service retail outlet, of
15 alcohol beverages produced by the person holding the brewer's permit. A
16 municipality may not limit the scope of alcohol beverages offered for sale under sub.
17 (3) (h). If a municipality limits the scope of alcohol beverages offered for sale, the
18 provision of taste samples is limited to those alcohol beverages authorized to be sold.

19 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall
20 be based on the same standards and criteria that the municipality has established
21 by ordinance for the evaluation and approval of retail license applications. A
22 municipality may not impose any requirement or restriction in connection with the
23 approval under subd. 1. that the municipality does not impose on retail licensees.

24 (e) If a brewer operates a restaurant as provided in sub. (6) and is authorized
25 under this subsection to make retail sales of wine at the restaurant, the brewer may

1 make retail sales of wine in an opened original bottle, in a quantity not to exceed one
2 bottle, for consumption both at the restaurant and away from the restaurant if all
3 of the following apply:

4 1. The purchaser of the wine orders food to be consumed at the restaurant.

5 2. The brewer provides a dated receipt that identifies the purchase of the food
6 and the bottle of wine.

7 3. Prior to the opened, partially consumed bottle of wine being taken away from
8 the restaurant, the brewer securely reinserts the cork into the bottle to the point
9 where the top of the cork is even with the top of the bottle, or securely reattaches the
10 original cap to the bottle, and the cork is reinserted or the cap is reattached at a time
11 other than during the hours in which the brewer is prohibited under sub. (8) (b) from
12 making retail sales for off-premises consumption.

13 (f) 1. If a brewer may establish one or more full-service retail outlets under
14 pars. (b) and (g) and the brewer also holds a manufacturer's or rectifier's permit or
15 winery permit or both and, as such, may establish full-service retail outlets under
16 s. 125.52 (4) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of full-service
17 retail outlets that may be established is the maximum number authorized under par.
18 (b), under s. 125.52 (4) (b), or under s. 125.53 (3) (b), whichever is greatest, but not
19 exceeding 3 full-service retail outlets. Under these circumstances, each authorized
20 full-service retail outlet shall serve as the full-service retail outlet associated with
21 each applicable permit, regardless of whether the permittee would otherwise be
22 entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.52
23 (4) (b) or 125.53 (3) (b).

24 2. If a brewer may engage in full-service retail sales on the brewery premises
25 as provided in par. (a) 2. and the brewer also holds a manufacturer's or rectifier's

1 permit or winery permit or both, the brewer may make retail sales on the brewery
2 premises of intoxicating liquor produced under its manufacturer's or rectifier's
3 permit or winery permit without first purchasing the intoxicating liquor from a
4 wholesaler holding a permit under s. 125.54.

5 3. If a person holds more than one brewer's permit under this section, the retail
6 sales authority under this subsection for brewery premises applies with respect to
7 each brewer's permit, but the limit on full-service retail outlets is an aggregate
8 maximum, regardless of the number of brewer's permits held.

9 (g) 1. An application for a brewer's permit, including an application for an
10 amendment to the brewer's permit, shall specify each full-service retail outlet of the
11 brewer and particularly describe the premises of the full-service retail outlet.

12 2. The division shall establish a process for approval of a brewer's full-service
13 retail outlet and for revocation of this approval. The division shall approve a brewer's
14 full-service retail outlet, and may not revoke this approval, unless the brewer has
15 violated a provision of this chapter related to full-service retail outlets. The
16 division's failure to approve, or revocation of approval of, a full-service retail outlet
17 described in a brewer's application or permit does not affect any other full-service
18 retail outlet or the brewery premises as described in the application or permit.

19 3. If the division approves a full-service retail outlet, the brewer's permit, as
20 initially issued or as amended, shall particularly describe the premises constituting
21 the full-service retail outlet, which shall be considered part of the premises under
22 the brewer's permit.

23 4. If the division approves a full-service retail outlet, the agent appointed
24 under s. 125.04 (6) for the brewer's permit shall also serve as the agent for the
25 full-service retail outlet.

1 5. Section 125.04 (12) (a) does not apply to a brewer's full-service retail outlet.
2 Upon notice to the division, a brewer may relocate any full-service retail outlet to a
3 new location within this state once per calendar year, except that one full-service
4 retail outlet of a brewer may be relocated without limitation on frequency in each
5 calendar year.

6 (h) A brewer that is eligible to establish a full-service retail outlet under this
7 subsection is not authorized to make retail sales of fermented malt beverages at an
8 off-site retail outlet under sub. (3) (e) and (f).

9 **(8) CLOSING HOURS.** (a) On brewery premises, no person may sell alcohol
10 beverages at retail for on-premises consumption, provide taste samples of alcohol
11 beverages, or consume alcohol beverages during the closing hours applicable to a
12 Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet under sub. (7)
13 shall be subject to the same closing hours applicable to a Class "B" licensee under s.
14 125.32 (3) (a).

15 (b) On brewery premises and at a full-service retail outlet, no person may sell
16 alcohol beverages at retail for off-premises consumption during the hours in which
17 a Class "B" licensee in the municipality where the brewery or retail outlet is located
18 may not make retail sales under s. 125.32 (3) (am) and (d).

19 (c) No member of the public or invited guests may be present on brewery
20 premises during the closing hours applicable to a Class "B" licensee under s. 125.32
21 (3) (a).

22 (d) Activities authorized under a brewer's permit related to the production,
23 shipment, transportation, or delivery of alcohol beverages may occur at any time.

24 **SECTION 26cw.** 125.295 (1) (intro.) of the statutes is amended to read:

1 125.295 (1) (intro.) The ~~department~~ division shall issue brewpub permits to
2 eligible applicants authorizing all of the following:

3 **SECTION 26cx.** 125.295 (1) (a) of the statutes is amended to read:

4 125.295 (1) (a) The manufacture of fermented malt beverages on the brewpub
5 premises if, except as provided in s. 125.21 (2) and (3), the entire manufacturing
6 process occurs on these premises and not more than ~~10,000~~ 20,000 barrels of
7 fermented malt beverages are manufactured in a calendar year by the permittee's
8 brewpub group.

9 **SECTION 26cy.** 125.295 (1) (fm) of the statutes is created to read:

10 125.295 (1) (fm) The sale, shipment, transportation, and delivery of fermented
11 malt beverages, in bulk or in any state of packaging, that have been manufactured
12 by the brewpub to another brewpub holding a permit under this section, and the
13 receipt of the fermented malt beverages by the other brewpub.

14 **SECTION 26cz.** 125.295 (1) (g) of the statutes is amended to read:

15 125.295 (1) (g) The sale at wholesale, shipment, transportation, and delivery,
16 in original unopened packages or containers, to retailers, from the brewpub
17 premises, of fermented malt beverages that have been manufactured on these
18 premises or on other brewpub premises of the brewpub. A brewpub's brewpub group
19 may not sell, ship, transport, or deliver more than a total of ~~1,000~~ 2,000 barrels of
20 fermented malt beverages in any calendar year to retailers under this paragraph.
21 Fermented malt beverages provided by a brewpub to any retail premises for which
22 the brewpub group holds a retail license shall not be included in any calculation of
23 the ~~1,000~~ 2,000 barrel limitation under this paragraph. Deliveries and shipments
24 of fermented malt beverages by a brewpub under this paragraph shall be made to
25 retailers only at their retail premises. Any retailer receiving such a delivery or

1 shipment is subject to the prohibition under s. 125.34 (5) against further
2 transporting the delivery or shipment to any other retail premises.

3 **SECTION 26db.** 125.295 (2) (a) 1. of the statutes is amended to read:

4 125.295 (2) (a) 1. The applicant's brewpub group manufactures a total of not
5 more than ~~10,000~~ 20,000 barrels of fermented malt beverages in a calendar year.

6 **SECTION 26dc.** 125.295 (2) (a) 2. of the statutes is amended to read:

7 125.295 (2) (a) 2. ~~The Except as provided in s. 125.21 (2) and (3), the~~ applicant's
8 entire process for manufacturing fermented malt beverages occurs on premises
9 covered by a permit issued under this section. If the applicant holds more than one
10 permit issued under this section, the applicant is not required to manufacture
11 fermented malt beverages on each premises for which a permit is issued under this
12 section.

13 **SECTION 26dd.** 125.295 (2) (a) 4. of the statutes is amended to read:

14 125.295 (2) (a) 4. The applicant holds a Class "B" license for the restaurant
15 identified in subd. 3. and, on these Class "B" premises, offers for sale, in addition to
16 fermented malt beverages manufactured by the applicant, fermented malt
17 beverages manufactured by a brewer or brewpub other than the applicant and its
18 brewpub group.

19 **SECTION 26de.** 125.295 (2) (a) 6. (intro.) of the statutes is amended to read:

20 125.295 (2) (a) 6. (intro.) ~~Neither Subject to s. 125.20 (6), neither~~ the applicant
21 nor the applicant's brewpub group holds, or has ~~a direct or indirect ownership an~~
22 interest in a ~~premises operating under~~ licensee or permittee holding, any of the
23 following:

24 **SECTION 26df.** 125.295 (2) (a) 6. a. of the statutes is amended to read:

1 125.295 (2) (a) 6. a. A Class “A” license issued under s. 125.25 or “Class A”
2 license issued under s. 125.51 (2).

3 **SECTION 26dg.** 125.295 (2) (a) 6. b. of the statutes is amended to read:

4 125.295 (2) (a) 6. b. Except as provided in subd. 4. and subs. (1) (h) and (3) (b)
5 and (c), a Class “B” license issued under s. 125.26, Class “B” permit issued under s.
6 125.27, “Class B” license issued under s. 125.51 (3), “Class B” permit issued under
7 s. 125.51 (5), or “Class C” license issued under s. 125.51 (3m).

8 **SECTION 26dh.** 125.295 (2) (a) 6. c. of the statutes is amended to read:

9 125.295 (2) (a) 6. c. A wholesaler’s permit issued under s. 125.28 or 125.54.

10 **SECTION 26di.** 125.295 (2) (a) 6. g. of the statutes is created to read:

11 125.295 (2) (a) 6. g. A no-sale event venue permit issued under s. 125.24.

12 **SECTION 26dj.** 125.295 (2) (b) of the statutes is amended to read:

13 125.295 (2) (b) If an applicant under par. (a) has no current operations, the
14 applicant may certify that the applicant has applied for or will apply for a Class “B”
15 license or license under s. 97.30 for a restaurant or will comply with any other
16 requirement under par. (a), prior to or upon commencing operations authorized
17 under this section. If a Class “B” license or license under s. 97.30 for a restaurant
18 is not subsequently issued to the applicant, or if the applicant otherwise fails to
19 comply with any requirement for eligibility under par. (a), the ~~department~~ division
20 may revoke under s. 125.12 (5) the permit issued under this section.

21 **SECTION 26dk.** 125.295 (2) (c) of the statutes is amended to read:

22 125.295 (2) (c) If an applicant under par. (a) holds any license or permit
23 prohibited under par. (a) 6. at the time of its application, the applicant may certify
24 that the applicant will surrender any such license or permit upon issuance of a
25 permit under this section. If the ~~department~~ division issues a permit under this

1 section and the applicant fails to surrender any license or permit prohibited under
2 par. (a) 6., the department division may revoke under s. 125.12 (5) the permit issued
3 under this section. An applicant is not required to surrender any Class “B” license
4 issued under s. 125.31 (1) (a) 2., 2009 stats., or under s. 125.31 (1) (a) 3., 2005 stats.,
5 if the applicant’s continued possession of the license is consistent with subs. (1) (h),
6 (2) (a) 4., and (3) (b) and (c).

7 **SECTION 26dm.** 125.295 (4) of the statutes is amended to read:

8 125.295 (4) The fee established by the department division for a brewpub
9 permit shall not exceed the fee established by the department division for a permit
10 under s. 125.29.

11 **SECTION 26dn.** 125.295 (5) of the statutes is amended to read:

12 125.295 (5) The department division shall promulgate rules and prescribe
13 forms to ensure strict compliance with the requirements under this section.

14 **SECTION 26do.** 125.30 (1) of the statutes is amended to read:

15 125.30 (1) The department division shall issue out-of-state shippers’ permits
16 which, except as provided in sub. (4), authorize the permittee to ship fermented malt
17 beverages only to holders of a wholesaler’s permit issued under s. 125.28. Except
18 with respect to any shipment from a warehouse in an adjoining state by a wholesaler
19 issued a wholesale permit under s. 125.28 (1) (b), no person may receive fermented
20 malt beverages in this state which have been directly shipped from outside this state
21 by any person other than the holder of a permit issued under this section. Subject
22 to s. 125.34 (2), all shipments of fermented malt beverages to a wholesaler of
23 fermented malt beverages in this state, whether shipped to the wholesaler from
24 inside this state or from outside this state, shall be unloaded in, physically at rest in,
25 and only then distributed from the wholesaler’s warehouse in this state.

1 **SECTION 26dp.** 125.30 (2) of the statutes is amended to read:

2 125.30 (2) The application for an out-of-state shipper's permit and the permit
3 shall be on forms prescribed by the ~~department~~ division which shall contain
4 provisions determined by the ~~department~~ division as necessary to effectuate the
5 purposes of ss. 139.01 to 139.25 and shall include a provision that the permittee
6 agrees to do all of the following:

7 (a) ~~To comply~~ Comply with s. 139.05 relating to filing a bond, filing returns,
8 paying taxes, and record keeping;

9 (b) ~~To permit~~ Permit inspections and examinations of the permittee's premises
10 and records by the ~~department~~ division and its duly authorized employees, as
11 authorized under s. ~~139.08 (4)~~; and 125.025 (3).

12 (c) ~~To pay~~ Pay the expenses reasonably attributable to such the inspections and
13 examinations under par. (b) made within the United States.

14 **SECTION 26dq.** 125.30 (2) (d) of the statutes is created to read:

15 125.30 (2) (d) Accept service of process and consent to jurisdiction in any
16 proceeding in this state to enforce the provisions of this chapter or ch. 139.

17 **SECTION 26dr.** 125.30 (3) of the statutes is renumbered 125.30 (3) (a) and
18 amended to read:

19 125.30 (3) (a) Out-of-state shippers' permits may be issued only to a person
20 who holds a valid certificate issued under s. 73.03 (50), who is qualified under s.
21 125.04 (5), who does not maintain an office or street address in this state, and who
22 is the primary source of supply for the brand of fermented malt beverages. An
23 out-of-state shipper's permit may not be issued to a person determined by the
24 ~~department~~ division to be primarily engaged in wholesale or retail sales in another
25 state. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state

1 shippers' permits are not required to be residents of this state. Notwithstanding s.
2 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server
3 training course to be qualified for a permit under this section. Notwithstanding s.
4 125.04 (6), corporations or limited liability companies obtaining out-of-state
5 shippers' permits are not required to appoint agents vested with authority over the
6 premises as described in s. 125.04 (6) (a).

7 **SECTION 26ds.** 125.30 (3) (b) of the statutes is created to read:

8 125.30 (3) (b) 1. A permittee under this section shall appoint and continually
9 engage the services of an agent in this state to act as agent for the service of process
10 on whom all processes, and any action or proceeding against the permittee
11 concerning or arising out of the enforcement of any provision of this chapter or ch.
12 139, may be served in any manner authorized by law. That service shall constitute
13 legal and valid service of process on the permittee. The permittee shall provide to
14 the division, in the form and manner prescribed by the division, the name, address,
15 phone number, and proof of the appointment and availability of the agent.

16 2. The permittee shall provide notice to the division 30 calendar days before
17 termination of the authority of an agent under subd. 1. and shall provide proof to the
18 satisfaction of the division of the appointment of a new agent no less than 5 calendar
19 days before the termination of an existing agent appointment. In the event an agent
20 terminates an agency appointment, the permittee shall notify the division of that
21 termination within 5 calendar days and shall include proof to the satisfaction of the
22 division of the appointment of a new agent.

23 3. If a permittee fails to maintain an agent in this state after a permit is issued
24 under this section, the permittee is considered to have appointed the department of
25 financial institutions as the permittee's agent, and the permittee may be proceeded

1 against in courts of this state by service of process upon the department of financial
2 institutions.

3 **SECTION 26dt.** 125.30 (3) (c) of the statutes is created to read:

4 125.30 (3) (c) Subject to s. 125.20 (6), an out-of-state shipper's permit may not
5 be issued to any person who has an interest in a licensee or permittee holding any
6 of the following:

7 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under
8 s. 125.51 (2).

9 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.
10 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

11 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under
12 s. 125.51 (5).

13 4. A wholesaler's permit issued under s. 125.28 or 125.54.

14 **SECTION 26du.** 125.30 (3) (c) 5. of the statutes is created to read:

15 125.30 (3) (c) 5. A no-sale event venue permit issued under s. 125.24.

16 **SECTION 26dv.** 125.30 (4) of the statutes is amended to read:

17 125.30 (4) An out-of-state brewer that manufactures 300,000 barrels or less
18 of fermented malt beverages in a calendar year from all locations and that holds an
19 out-of-state shipper's permit may sell and ship fermented malt beverages directly
20 to retail licensees if the out-of-state brewer registers with the department division,
21 files whatever periodic reports with the department division as the department
22 division may require, and complies with the requirements in ss. 125.33 and 125.34,
23 as applicable, to the same extent as if the out-of-state brewer were a wholesaler
24 holding a permit under s. 125.28.

25 **SECTION 26dw.** 125.30 (5) of the statutes is amended to read:

1 125.30 (5) The ~~department~~ division may revoke or suspend an out-of-state
2 shipper's permit for such time as the ~~department~~ division determines, if the
3 permittee violates any provision of the application or ss. 139.01 to 139.25.

4 **SECTION 26dx.** 125.32 (2) of the statutes is amended to read:

5 125.32 (2) OPERATORS LICENSES; CLASS "A," OR CLASS "B," AND OTHER PREMISES.

6 Except as provided under sub. (3) (b) and ss. 125.07 (3) (a) 10. and 125.26 (6), no
7 premises operated under a Class "A" or Class "B" license or permit may be open for
8 business, and no person who holds a brewer's permit, manufacturer's or rectifier's
9 permit, or winery permit may allow the sale or provision of taste samples of
10 fermented malt beverages on the brewery premises, manufacturing or rectifying
11 premises, winery premises, or any retail outlet operated by the brewer,
12 manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless
13 there is upon the premises the licensee or permittee, the agent named in the license
14 or permit if the licensee or permittee is a corporation or limited liability company, or
15 some person who has an operator's license and who is responsible for the acts of all
16 persons serving any fermented malt beverages to customers. An operator's license
17 issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that
18 issues it. For the purpose of this subsection, any person holding a manager's license
19 under s. 125.18 or any member of the licensee's or permittee's immediate family who
20 has attained the age of 18 shall be considered the holder of an operator's license. No
21 person, ~~including a member of the licensee's or permittee's immediate family, other~~
22 than the licensee, permittee, or agent may serve fermented malt beverages in any
23 place operated under a Class "A" or Class "B" license or permit or on brewery
24 premises, manufacturing or rectifying premises, winery premises, or any retail
25 outlet operated by a brewer, manufacturer, rectifier, or winery under s. 125.29 (7),

1 125.52 (4), or 125.53 (3) unless he or she has an operator's license, is considered to
2 have an operator's license under this subsection, or is at least 18 years of age and is
3 under the immediate supervision of the licensee, permittee, agent, or a person
4 holding an operator's license, who is on the premises at the time of the service.

5 **SECTION 26dy.** 125.32 (2) of the statutes, as affected by 2023 Wisconsin Act
6 (this act), is amended to read:

7 125.32 (2) OPERATORS LICENSES AND PERMITS; CLASS "A," CLASS "B," AND OTHER
8 PREMISES. Except as provided under sub. (3) (b) and ss. 125.07 (3) (a) 10. and 125.26
9 (6), no premises operated under a Class "A" or Class "B" license or permit may be open
10 for business, and no person who holds a brewer's permit, manufacturer's or rectifier's
11 permit, or winery permit may allow the sale or provision of taste samples of
12 fermented malt beverages on the brewery premises, manufacturing or rectifying
13 premises, winery premises, or any retail outlet operated by the brewer,
14 manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless
15 there is upon the premises the licensee or permittee, the agent named in the license
16 or permit if the licensee or permittee is a corporation or limited liability company, or
17 some person who has an operator's license or operator's permit and who is
18 responsible for the acts of all persons serving any fermented malt beverages to
19 customers. An operator's license issued in respect to a vessel under s. 125.27 (2) is
20 valid outside the municipality that issues it. For the purpose of this subsection, any
21 person holding a manager's license under s. 125.18 or any member of the licensee's
22 or permittee's immediate family who has attained the age of 18 shall be considered
23 the holder of an operator's license. No person other than the licensee, permittee, or
24 agent may serve fermented malt beverages in any place operated under a Class "A"
25 or Class "B" license or permit or on brewery premises, manufacturing or rectifying

1 premises, winery premises, or any retail outlet operated by a brewer, manufacturer,
2 rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3) unless he or she has
3 an operator's license or operator's permit, is considered to have an operator's license
4 under this subsection, or is at least 18 years of age and is under the immediate
5 supervision of the licensee, permittee, agent, or a person holding an operator's
6 license or operator's permit, who is on the premises at the time of the service.

7 **SECTION 26eb.** 125.32 (3m) (L) of the statutes is created to read:

8 125.32 (3m) (L) An axe throwing facility.

9 **SECTION 26ec.** 125.32 (6) (a) of the statutes is amended to read:

10 125.32 (6) (a) Except as provided in s. 125.33 (2) (o) or (12), 125.69 (9), or 125.70,
11 and subject to par. (c), no person may possess on the premises covered by a retail or
12 wholesale fermented malt beverages license or permit any alcohol beverages not
13 authorized by law for sale on the premises.

14 **SECTION 26ed.** 125.33 (2) (a) of the statutes is amended to read:

15 125.33 (2) (a) Give to any campus or Class "B" licensee or permittee, at any
16 given time, for placement inside the premises, signs, clocks, or menu boards with an
17 aggregate value of not more than \$2,500. If a gift of any item would cause the \$2,500
18 limit to be exceeded, the recipient shall pay the brewer, brewpub, or wholesaler the
19 amount of the item's value in excess of \$2,500. Each recipient shall keep an invoice
20 or credit memo containing the name of the donor and the number and value of items
21 received under this paragraph. The value of an item is its cost to the donor. Each
22 recipient shall make the records kept under this paragraph available to the
23 department division for inspection upon request.

24 **SECTION 26ee.** 125.33 (2) (d) of the statutes is amended to read:

1 125.33 (2) (d) Sell to a campus or Class “B” licensee or permittee at fair market
2 value equipment designed and intended to preserve and maintain the sanitary
3 dispensing of fermented malt beverages or any services necessary to maintain this
4 kind of equipment. A brewer, brewpub, or wholesaler shall charge the same price per
5 unit of equipment to each campus or Class “B” licensee or permittee making the same
6 or a similar purchase, and shall charge the same rate to each campus or Class “B”
7 licensee or permittee purchasing maintenance services under this subdivision. Each
8 brewer, brewpub, or wholesaler shall keep records of each transaction under this
9 subdivision and shall make the records available to the department division upon
10 request.

11 **SECTION 26ef.** 125.33 (2) (hr) of the statutes is created to read:

12 125.33 (2) (hr) Enter into a landlord-tenant relationship with a Class “B”
13 licensee or permittee if all of the requirements under s. 125.20 (6) (b) are satisfied.

14 **SECTION 26eg.** 125.33 (9) of the statutes is renumbered 125.33 (9) (a) and
15 amended to read:

16 125.33 (9) (a) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (g),
17 and 125.30 (4), no campus or retail licensee or permittee may purchase or possess
18 fermented malt beverages purchased from any person other than a wholesaler
19 holding a permit under this chapter for the sale of fermented malt beverages.

20 (b) Any person who violates this subsection may par. (a), if the total volume of
21 fermented malt beverages purchased or possessed by that person in one month is
22 4,320 fluid ounces or less, may be required to forfeit not more than \$100. A person
23 who purchases or possesses more than 4,320 fluid ounces of fermented malt
24 beverages in one month in violation of par. (a) shall be fined not more than \$10,000
25 or imprisoned for not more than 9 months or both.

1 **SECTION 26eh.** 125.33 (9) (c) of the statutes is created to read:

2 125.33 (9) (c) Notwithstanding par. (b), a Class “B” licensee or permittee who
3 purchases fermented malt beverages from a Class “A” licensee for resale or who
4 possesses fermented malt beverages purchased from a Class “A” licensee for resale
5 may be fined not more than \$100.

6 **SECTION 26ei.** 125.33 (12) of the statutes is amended to read:

7 125.33 (12) PROVIDING TASTE SAMPLES ON ~~CLASS “A”~~ RETAIL PREMISES.
8 Notwithstanding s. 125.34 (6), with the consent of the Class “A” or Class “B” licensee,
9 a brewer may provide, free of charge, on Class “A” or Class “B” premises, taste
10 samples of fermented malt beverages to any person who has attained the legal
11 drinking age for consumption on the premises ~~during hours in which the Class “A”~~
12 ~~licensee is authorized under s. 125.25 (1) to provide taste samples or, if more~~
13 ~~restrictive, only during hours established by ordinance by a municipality under s.~~
14 ~~125.32 (3) (d) between the hours of 11 a.m. and 7 p.m.~~ The provision of taste samples
15 under this subsection shall be subject to the same limitations that apply to taste
16 samples provided by a Class “A” licensee under s. 125.25 (1). ~~No brewer may provide~~
17 ~~as taste samples under this subsection any fermented malt beverages that the~~
18 ~~brewer did not purchase from the Class “A” licensee on whose premises the taste~~
19 ~~samples are provided.~~ A brewer may provide taste samples of any fermented malt
20 beverages that the brewer purchased from the retail licensee or that the brewer
21 produced on premises covered by its brewer’s permit and brings to the retail
22 premises, but the brewer may not leave at the retail premises any unused fermented
23 malt beverages not purchased from the retail licensee. A brewer may provide taste
24 samples under this subsection through an individual representing the brewer who
25 is hired by the brewer and who is not employed by or an agent of a wholesaler. All

1 provisions of this subsection that apply to a brewer apply equally to any individual
2 representing a brewer.

3 **SECTION 26ej.** 125.34 (6) of the statutes is amended to read:

4 125.34 (6) Except as provided in ss. 125.29 (3), (3m) (b) and (c), and (7) and
5 125.30 (4), a brewer or out-of-state shipper may sell, transport, and deliver
6 fermented malt beverages only to a wholesaler.

7 **SECTION 26ek.** 125.51 (1) (a) of the statutes is amended to read:

8 125.51 (1) (a) Subject to sub. (2) (e) 2., every municipal governing body may
9 grant and issue “Class A” and “Class B” licenses for retail sales of intoxicating liquor,
10 and “Class C” licenses for retail sales of wine, from premises within the municipality
11 to persons entitled to a license under this chapter as the issuing municipal governing
12 body deems proper and may authorize an official or body of the municipality to issue
13 temporary “Class B” licenses under sub. (10). ~~No “Class B” license may be issued to~~
14 ~~a winery under sub. (3) (am) unless the winery has been issued a permit under s.~~
15 ~~125.53 and the winery is capable of producing at least 5,000 gallons of wine per year~~
16 ~~in no more than 2 locations.~~

17 **SECTION 26em.** 125.51 (2) (am) of the statutes is amended to read:

18 125.51 (2) (am) In addition to the authorization under par. (a) ~~and s. 125.06~~
19 ~~(13)~~, a “Class A” license authorizes the licensee to provide, free of charge, to
20 customers and visitors who have attained the legal drinking age, taste samples of
21 intoxicating liquor ~~other than wine~~ that are not in original packages or containers
22 ~~and that do not exceed 0.5 fluid ounces each~~, for consumption on the “Class A”
23 premises. ~~No “Class A” licensee may provide more than one such taste sample per~~
24 ~~day to any one person.~~ Taste samples may be provided under this paragraph only
25 between the hours of 11 a.m. and 7 p.m. and may not exceed the quantities specified

1 in s. 125.69 (9) (b). Any representative of a manufacturer, rectifier, winery, or
2 out-of-state shipper issued a permit under s. 125.52, 125.53, or 125.58 may assist
3 the “Class A” licensee in dispensing or serving the taste samples. No “Class A”
4 licensee may provide as taste samples under this paragraph intoxicating liquor ~~other~~
5 ~~than wine~~ that the “Class A” licensee did not purchase from a wholesaler.

6 **SECTION 26en.** 125.51 (2) (e) 3. of the statutes is amended to read:

7 125.51 (2) (e) 3. Notwithstanding ~~par. pars.~~ par. (a) and (am) and s. ~~125.06 (13)~~
8 125.69 (9), a person issued a “Class A” license under subd. 2. may not make retail
9 sales, or provide taste samples, of any intoxicating liquor other than cider.
10 ~~Paragraph (am) does not apply to a person issued a “Class A” license under subd. 2,~~
11 and may not allow a winery, manufacturer, or rectifier to provide taste samples of any
12 intoxicating liquor other than cider, on the “Class A” premises.

13 **SECTION 26eo.** 125.51 (3) (a) of the statutes is amended to read:

14 125.51 (3) (a) A “Class B” license authorizes the retail sale of intoxicating liquor
15 by the glass and not in the original package or container for consumption on the
16 premises where sold or for consumption off the premises if the licensee seals the
17 container of intoxicating liquor with a tamper-evident seal before the intoxicating
18 liquor is removed from the premises. In addition, wine may be sold in the original
19 package or container in any quantity to be consumed off the premises where sold.
20 This paragraph does not apply in municipalities in which the governing body elects
21 to come under par. (b) ~~or to a winery that has been issued a “Class B” license.~~
22 ~~Paragraph (am) applies to all wineries that have been issued a “Class B” license.~~

23 **SECTION 26ep.** 125.51 (3) (am) of the statutes is repealed.

24 **SECTION 26eq.** 125.51 (3) (b) of the statutes is amended to read:

1 125.51 (3) (b) In all municipalities electing by ordinance to come under this
2 paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be
3 consumed by the glass on the premises where sold or off the premises if the licensee
4 seals the container of intoxicating liquor with a tamper-evident seal before the
5 intoxicating liquor is removed from the premises. The “Class B” license also
6 authorizes the sale of intoxicating liquor in the original package or container, in any
7 quantity, to be consumed off the premises where sold. ~~This paragraph does not apply~~
8 ~~to a winery that has been issued a “Class B” license. Paragraph (am) applies to all~~
9 ~~wineries that have been issued a “Class B” license.~~

10 **SECTION 26er.** 125.51 (3) (bg) of the statutes is created to read:

11 125.51 (3) (bg) 1. In this paragraph, “bulk container” means a container
12 exceeding 1.75 liters in volume.

13 2. This paragraph applies only with respect to a “Class B” licensee exercising
14 its authority under par. (a) or (b) to make retail sales of intoxicating liquor for
15 consumption on the premises where sold or for consumption off the premises if the
16 licensee seals the container of intoxicating liquor with a tamper-evident seal before
17 the intoxicating liquor is removed from the premises.

18 3. Notwithstanding s. 125.03 (2) and any rule promulgated thereunder, a
19 “Class B” licensee may, on the licensed premises, prepare, store, and dispense mixed
20 drinks containing intoxicating liquor, in advance of sale as described in subd. 2., if
21 all of the following apply:

22 a. The mixed drink is provided to the consumer in a glass or other container
23 not exceeding 72 ounces in volume.

24 b. The mixed drink has not been stored in a container for more than 48 hours
25 prior to its sale to a customer.

1 c. If the mixed drink is stored in or dispensed from a bulk container, the bulk
2 container does not exceed 5 gallons in volume and is labeled in compliance with the
3 requirements established under subd. 4.

4 d. The licensee has not stored the mixed drink in or dispensed the mixed drink
5 from a wine bottle and has ensured compliance with ss. 125.68 (8) (a) 2. and 3. and
6 125.69 (6), as well as compliance with any other applicable state or federal food safety
7 regulation and any federal alcohol regulation.

8 4. The division shall prescribe the form of the label to be used by “Class B”
9 licensees under subd. 3. c., but the form shall require the licensee to disclose on the
10 label all of the following information:

11 a. That the container holds a batch of premixed drinks and the date and time
12 the batch was prepared.

13 b. Following the words “expiration date,” the date and time that is 48 hours
14 after the date and time the batch was prepared.

15 c. The words “contains alcohol.”

16 d. The name of the person who prepared the batch of premixed drinks in the
17 container.

18 e. The ingredients of the batch of premixed drinks, unless the label contains
19 a recipe title for the batch and the recipe, with a complete ingredient list, is
20 maintained on the “Class B” premises and is available for inspection.

21 5. Section 125.68 (9) (b) does not apply with respect to a container used by a
22 “Class B” licensee solely to prepare, store, or dispense mixed drinks in compliance
23 with this paragraph.

24 **SECTION 26es.** 125.51 (3) (bm) of the statutes is amended to read:

1 125.51 (3) (bm) Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and
2 (9), a “Class B” license authorizes a person operating a hotel to furnish a registered
3 guest who has attained the legal drinking age with a selection of intoxicating liquor
4 in the guest’s room which is not part of the “Class B” premises. Intoxicating liquor
5 furnished under this paragraph shall be furnished in original packages or containers
6 and stored in a cabinet, refrigerator or other secure storage place. The cabinet,
7 refrigerator or other secure storage place must be capable of being locked. The
8 cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating
9 liquor shall be removed from the room, when the room is not occupied and when
10 intoxicating liquor is not being furnished under this paragraph. A key for the lock
11 shall be supplied to a guest who has attained the legal drinking age upon request at
12 registration. The hotel shall prominently display a price list of the intoxicating
13 liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest
14 occupies the room, but for purposes of this chapter, the sale of intoxicating liquor
15 furnished under this paragraph is considered to occur at the time and place that the
16 guest pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the guest
17 may pay for the intoxicating liquor at any time if he or she pays in conjunction with
18 checking out of the hotel. An individual who stocks or accepts payment for alcohol
19 beverages under this paragraph shall be the licensee, the agent named in the license
20 if the licensee is a corporation or limited liability company, or the holder of a
21 manager’s or operator’s license or operator’s permit, or be supervised by one of those
22 individuals.

23 **SECTION 26et.** 125.51 (3) (bs) 2. of the statutes is amended to read:

24 125.51 (3) (bs) 2. Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and
25 (9), a “Class B” license authorizes a person operating a coliseum to furnish the holder

1 of a coliseum suite who has attained the legal drinking age with a selection of
2 intoxicating liquor in the coliseum suite that is not part of the “Class B” premises.
3 Intoxicating liquor furnished under this subdivision shall be furnished in original
4 packages or containers and stored in a cabinet, refrigerator or other secure storage
5 place. The cabinet, refrigerator or other secure storage place or the coliseum suite
6 must be capable of being locked. The cabinet, refrigerator or other secure storage
7 place or the coliseum suite shall be locked, or the intoxicating liquor shall be removed
8 from the coliseum suite, when the coliseum suite is not occupied and when
9 intoxicating liquor is not being furnished under this subdivision. Intoxicating liquor
10 may be furnished at the time the holder of the coliseum suite occupies the coliseum
11 suite, but for purposes of this chapter, the sale of intoxicating liquor furnished under
12 this subdivision is considered to occur at the time and place that the holder pays for
13 the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the holder of a coliseum
14 suite may pay for the intoxicating liquor at any time if he or she pays in accordance
15 with an agreement with the person operating the coliseum or with the
16 concessionaire. An individual who stocks or accepts payment for alcohol beverages
17 under this subdivision shall be the licensee, the agent named in the license if the
18 licensee is a corporation or limited liability company, or the holder of a manager’s or
19 operator’s license or operator’s permit, or be supervised by one of those individuals.

20 **SECTION 26eu.** 125.51 (3) (f) of the statutes is amended to read:

21 125.51 (3) (f) A “Class B” license may be issued only to a holder of a retail Class
22 “B” license to sell fermented malt beverages unless the “Class B” license is the kind
23 of “Class B” license specified under par. (am) or is a temporary “Class B” license under
24 sub. (10).

25 **SECTION 26ev.** 125.51 (3m) (a) of the statutes is repealed.

1 **SECTION 26ew.** 125.51 (3m) (c) of the statutes is amended to read:

2 125.51 **(3m)** (c) ~~A~~ Except as provided under s. 125.69, a “Class C” license may
3 be issued to a person qualified under s. 125.04 (5) ~~for a restaurant in which the sale~~
4 ~~of alcohol beverages accounts for less than 50 percent of gross receipts and which~~
5 ~~does not have a barroom or for a restaurant in which the sale of alcohol beverages~~
6 ~~accounts for less than 50 percent of gross receipts and which has a barroom in which~~
7 ~~wine is the only intoxicating liquor sold. A “Class C” license may not be issued to a~~
8 ~~foreign corporation, a foreign limited liability company or, except~~ a person acting as
9 an agent for or in the employ of another.

10 **SECTION 26ex.** 125.51 (3r) (a) 3. of the statutes is amended to read:

11 125.51 **(3r)** (a) 3. Prior to the opened, partially consumed bottle of wine being
12 taken off the licensed premises, the licensee securely reinserts the cork into the
13 bottle to the point where the top of the cork is even with the top of the bottle, or
14 securely reattaches the original cap to the bottle, and the cork is reinserted or the cap
15 is reattached at a time other than during the time period specified in s. 125.68 (4) (c)
16 3.

17 **SECTION 26ey.** 125.51 (3r) (b) of the statutes is amended to read:

18 125.51 **(3r)** (b) ~~This subsection does not apply to a “Class B” license issued to~~
19 ~~a winery under sub. (3) (am).~~ Nothing in this subsection restricts a licensee’s
20 authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

21 **SECTION 26ez.** 125.51 (4) (a) 1. of the statutes is amended to read:

22 125.51 **(4)** (a) 1. “License” means a retail “Class B” license issued under sub.
23 (3) ~~but does not include a “Class B” license issued to wineries under sub. (3) (am).~~

24 **SECTION 26fb.** 125.51 (4) (e) 1. of the statutes is amended to read:

1 125.51 (4) (e) 1. A municipality may make a request to another municipality
2 that is contiguous with, or within 2 miles of, located in whole or in part in the same
3 county as the requesting municipality that the other municipality transfer a reserve
4 “Class B” license to the requesting municipality. If the request is granted, the reserve
5 “Class B” license shall be transferred.

6 **SECTION 26fc.** 125.51 (4) (v) 5. of the statutes is created to read:

7 125.51 (4) (v) 5. An event venue certified by the division under s. 125.24 (5) (b).
8 Except as provided in this subdivision, a license may not be issued under this
9 subdivision unless the license application is received by the municipality no later
10 than the first day of the 7th month beginning after the effective date of this
11 subdivision ... [LRB inserts date]. Except as provided in this subdivision, if a “Class
12 B” license issued under this subdivision is surrendered to the issuing municipality,
13 not renewed, or revoked, the municipality may not reissue the license. The
14 municipality may reissue the license if the licensee sells or transfers ownership of
15 the licensed premises or a business operated on the licensed premises and the license
16 is surrendered or not renewed in connection with the sale or transfer of the property
17 or business, the licensee continued to operate the licensed premises as a qualifying
18 event venue, as defined in s. 125.24 (5) (a), from the time of license issuance until the
19 time the license is surrendered or not renewed, the license is reissued for the same
20 location, and the applicant for reissuance of the license satisfies the requirements
21 under this chapter to hold the license and certifies to the municipality that the
22 applicant will continue to operate the licensed premises as a qualifying event venue,
23 as defined in s. 125.24 (5) (a).

24 **SECTION 26fd.** 125.51 (5) (a) 1. of the statutes is amended to read:

1 125.51 (5) (a) 1. The ~~department~~ division shall issue “Class B” permits to clubs
2 that are operated solely for the playing of golf or tennis and are commonly known as
3 country clubs and to clubs which are operated solely for curling, ski jumping, or
4 yachting. A “Class B” permit may be issued only to a club that holds a valid certificate
5 issued under s. 73.03 (50), that is not open to the general public, and that is located
6 in a municipality that does not issue “Class B” licenses or to a club located in a
7 municipality that issues “Class B” licenses, if the club holds a valid certificate issued
8 under s. 73.03 (50), is not open to the general public, was not issued a license under
9 s. 176.05 (4a), 1979 stats., and does not currently hold a “Class B” license. The
10 permits may be issued by the ~~department~~ division without regard to any quota under
11 sub. (4). The holder of a “Class B” permit may sell intoxicating liquor for consumption
12 by the glass and not in the original package or container on the premises covered by
13 the permit.

14 **SECTION 26fe.** 125.51 (5) (a) 4. of the statutes is amended to read:

15 125.51 (5) (a) 4. The ~~department~~ division may annually issue a “Class B” permit
16 to any club that holds a valid certificate issued under s. 73.03 (50), is organized to
17 engage in sports similar to curling, golf, tennis or yachting and that held a license
18 from July 1, 1950, to June 30, 1951, as long as it is continuously operated under
19 substantially the same circumstances under which it operated during the year
20 beginning July 1, 1950, if the club is located in a municipality that does not issue
21 “Class B” licenses.

22 **SECTION 26ff.** 125.51 (5) (b) 2. of the statutes is amended to read:

23 125.51 (5) (b) 2. The ~~department~~ division shall issue a “Class B” permit to a
24 concessionaire that holds a valid certificate issued under s. 73.03 (50) and that
25 conducts business in an operating airport or public facility, if the county or

1 municipality which owns the airport or public facility has, by resolution of its
2 governing body, annually applied to the department division for the permit. The
3 permit authorizes the sale of intoxicating liquor for consumption by the glass and not
4 in the original package or container on the premises.

5 **SECTION 26fg.** 125.51 (5) (b) 4. of the statutes is amended to read:

6 125.51 (5) (b) 4. The department division may not issue a permit under this
7 paragraph to any county or municipality or officer or employee thereof.

8 **SECTION 26fh.** 125.51 (5) (c) 1. of the statutes is amended to read:

9 125.51 (5) (c) 1. The department division may issue a “Class B” permit to any
10 person who holds a valid certificate issued under s. 73.03 (50) and who is qualified
11 under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any
12 vessel having a regular place of mooring located in any waters of this state as defined
13 under s. 29.001 (45) and (63) if the vessel either serves food and has an approved
14 passenger capacity of not less than 40 individuals and the sale of intoxicating liquor
15 and fermented malt beverages on the vessel accounts for less than 50 percent of the
16 gross receipts of all of the food and beverages served on the vessel or if the vessel has
17 an approved passenger capacity of at least 100 individuals and the sale of
18 intoxicating liquor and fermented malt beverages on the vessel accounts for less than
19 50 percent of the gross receipts of the vessel. The department division may issue the
20 permit only if the vessel leaves its place of mooring while the sale of intoxicating
21 liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A
22 permit issued under this subdivision also authorizes the permittee to store
23 intoxicating liquor purchased for sale on the vessel on premises owned or leased by
24 the permittee and located near the vessel’s regular place of mooring. The permittee
25 shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where

1 the intoxicating liquor will be stored. The premises shall be open to inspection by the
2 department division upon request.

3 **SECTION 26fi.** 125.51 (5) (d) 2. of the statutes is amended to read:

4 125.51 (5) (d) 2. Upon application, the department division shall issue a
5 “Class B” permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and
6 that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of
7 intoxicating liquor for consumption on the premises where sold by the glass and not
8 in the original package or container. The permit also authorizes the sale of
9 intoxicating liquor in the original package or container, in multiples not to exceed 4
10 liters at any one time, to be consumed off the premises where sold, except that wine
11 is not subject to the 4-liter limitation.

12 **SECTION 26fj.** 125.51 (5) (f) 2. and 5. of the statutes are amended to read:

13 125.51 (5) (f) 2. The department division may issue “Class B” permits for
14 locations within racetrack grounds to any person that holds a valid certificate issued
15 under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner
16 or operator of the racetrack grounds or is designated by the owner or operator of the
17 racetrack grounds to operate premises located within the racetrack grounds. Subject
18 to subd. 4., the permit authorizes the retail sale of intoxicating liquor, by the glass
19 and not in the original package or container, on the premises covered by the permit,
20 for consumption anywhere within the racetrack grounds. If the department division
21 issues more than one permit under this paragraph for the same racetrack grounds,
22 no part of the premises covered by a permit under this paragraph may overlap with
23 premises covered by any other permit issued under this paragraph.

24 5. The department division shall establish a fee for a permit issued under this
25 paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

1 **SECTION 26fk.** 125.52 (1) (a) of the statutes is amended to read:

2 125.52 (1) (a) The ~~department~~ division shall issue manufacturers' and
3 rectifiers' permits which authorize the manufacture or rectification, respectively, of
4 intoxicating liquor on the premises covered by the permit. A person holding a
5 manufacturer's or rectifier's permit may manufacture and bottle wine, pursuant to
6 the terms of the permit, without procuring a winery permit.

7 **SECTION 26fm.** 125.52 (1) (b) 1. of the statutes is renumbered 125.52 (1) (b)
8 (intro.) and amended to read:

9 125.52 (1) (b) (intro.) A manufacturer's or rectifier's permit entitles authorizes
10 the permittee to engage in any of the following activities:

11 1. To sell intoxicating liquor in original unopened packages or containers to
12 wholesalers holding a permit under s. 125.54,

13 2. To sell or transfer, in bulk or in any state of packaging, intoxicating liquor
14 to wineries holding a permit under s. 125.53, and to other manufacturers and
15 rectifiers holding a permit under this section, from the premises described in the
16 permit. ~~Except as provided in subd. 2., no sales may be made for consumption on the~~
17 ~~premises of the permittee.~~

18 **SECTION 26fn.** 125.52 (1) (b) 2. of the statutes is renumbered 125.52 (1) (b) 6.
19 and amended to read:

20 125.52 (1) (b) 6. ~~Notwithstanding s. 125.09 (1), a manufacturer's or rectifier's~~
21 ~~permit authorizes the retail sale of intoxicating liquor that is manufactured or~~
22 ~~rectified on the premises, for consumption on or off the premises. A manufacturer's~~
23 ~~or rectifier's permit also authorizes the provision of~~ To provide taste samples, free of
24 charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person,
25 ~~of intoxicating liquor that is manufactured or rectified on the premises, for~~

1 consumption on the premises. The department may prescribe additional regulations
2 for the sale of intoxicating liquor under this subdivision, if the additional regulations
3 do not conflict with the requirements applicable to holders of “Class B” licenses.
4 Notwithstanding any other provision of this chapter, the authorization under this
5 subdivision applies with respect to a person who holds any permit under this section,
6 a winery permit under s. 125.53, and either a “Class A” license or a “Class B” license
7 issued under s. 125.51 (3) (am), all issued for the same premises or portions of the
8 same premises, on the manufacturer’s or rectifier’s premises or at the
9 manufacturer’s or rectifier’s full-service retail outlet if the taste samples are of
10 alcohol beverages the manufacturer or rectifier is authorized to sell under sub. (4)
11 (c), or as authorized under s. 125.69 (9).

12 **SECTION 26fo.** 125.52 (1) (b) 3., 4. and 5. of the statutes are created to read:

13 125.52 (1) (b) 3. To transfer intoxicating liquor to, or receive intoxicating liquor
14 from, another manufacturer or rectifier holding a permit under this section or a
15 winery holding a permit under s. 125.53, in bulk or in any state of packaging, for
16 purposes of further manufacturing, bottling, or storage.

17 4. To sell, ship, transport, and deliver intoxicating liquor, in bulk or in any state
18 of packaging, that has been manufactured by the manufacturer or rectifier to
19 another manufacture or rectifier holding a permit under this section.

20 5. To transport intoxicating liquor between the production premises and any
21 depot, warehouse, or full-service retail outlet maintained by the manufacturer or
22 rectifier or other premises for which the manufacturer or rectifier holds a permit
23 under this chapter.

24 **SECTION 26fp.** 125.52 (2) of the statutes is amended to read:

1 125.52 (2) LIMITED MANUFACTURER'S PERMIT. The ~~department~~ division shall issue
2 a limited manufacturer's permit which authorizes the use or sale of the intoxicating
3 liquor produced only if it is rendered unfit for use as a beverage and is used or sold
4 for use as fuel. The ~~department~~ division shall notify the department of natural
5 resources of the name and address of any person to whom a limited manufacturer's
6 permit is issued.

7 **SECTION 26fq.** 125.52 (4) and (5) of the statutes are created to read:

8 125.52 (4) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding
9 ss. 125.04 (9) and 125.09 (1), a manufacturer or rectifier may make retail sales, on
10 the manufacturing or rectifying premises, of intoxicating liquor that has been
11 manufactured or rectified by the manufacturer or rectifier on the manufacturing or
12 rectifying premises or on other premises of the manufacturer or rectifier, for
13 on-premises or off-premises consumption.

14 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a manufacturer or rectifier
15 produced, on all manufacturing or rectifying premises operated by the manufacturer
16 or rectifier in this state, a cumulative total of at least 1,500 liters of intoxicating
17 liquor in any one of the 3 preceding calendar years, the manufacturer or rectifier may
18 engage in full-service retail sales on the manufacturing or rectifying premises.

19 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and
20 (g), if a manufacturer or rectifier produced, on all manufacturing or rectifying
21 premises operated by the manufacturer or rectifier in this state, a cumulative total
22 of at least 1,500 liters of intoxicating liquor in any one of the 3 preceding calendar
23 years, the manufacturer or rectifier may engage in full-service retail sales at off-site
24 locations identified in the manufacturer's or rectifier's permit. Subject to pars. (f)
25 and (g), the number of retail sales locations a manufacturer or rectifier is allowed in

1 addition to the manufacturing or rectifying premises is determined by the
2 cumulative volume of intoxicating liquor the manufacturer or rectifier produced on
3 all manufacturing or rectifying premises operated by the manufacturer or rectifier
4 in this state in any one of the 3 preceding calendar years, as follows:

5 1. If the manufacturer's or rectifier's cumulative volume in a year was at least
6 1,500 liters of intoxicating liquor but less than 5,000 liters of intoxicating liquor, the
7 manufacturer or rectifier may establish one full-service retail outlet.

8 2. If the manufacturer's or rectifier's cumulative volume in a year was at least
9 5,000 liters of intoxicating liquor but less than 35,000 liters of intoxicating liquor, the
10 manufacturer or rectifier may establish not more than 2 full-service retail outlets.

11 3. If the manufacturer's or rectifier's cumulative volume in a year was at least
12 35,000 liters of intoxicating liquor, the manufacturer or rectifier may establish not
13 more than 3 full-service retail outlets.

14 (c) 1. Except as provided in subd. 2. and par. (f), a manufacturer or rectifier may
15 make full-service retail sales of alcohol beverages on the manufacturing or rectifying
16 premises and at any of its full-service retail outlets only if the alcohol beverages were
17 purchased by the manufacturer or rectifier from a wholesaler holding a permit under
18 s. 125.28 or 125.54, from a brewer authorized to make sales to retailers under s.
19 125.29 (3m), from a brewpub authorized to make sales to retailers under s. 125.295
20 (1) (g), or from a permittee under s. 125.30 authorized to make sales to retailers under
21 s. 125.30 (4).

22 2. A manufacturer or rectifier is not required to purchase from another
23 permittee intoxicating liquor produced by the manufacturer or rectifier that the
24 manufacturer or rectifier sells at retail on the manufacturing or rectifying premises
25 or at a full-service retail outlet of the manufacturer or rectifier.

1 3. Subject to subd. 2. and par. (f), a manufacturer or rectifier engaged in
2 full-service retail sales on manufacturing or rectifying premises or at a full-service
3 retail outlet of the manufacturer or rectifier is subject to ss. 125.33 (9) and 125.69 (6)
4 to the same extent as if the manufacturer or rectifier were a retail licensee.

5 (d) 1. A manufacturer or rectifier may not commence sales of alcohol beverages
6 at a full-service retail outlet unless, prior to commencing such sales, the
7 manufacturer or rectifier receives approval from the municipality in which the
8 full-service retail outlet is located and from the division as provided in par. (g).

9 2. Subject to par. (f), a municipality may limit the scope of alcohol beverages
10 offered for sale at a full-service retail outlet only with respect to alcohol beverages
11 that are not of the same type as those produced by the person holding the
12 manufacturer's or rectifier's permit. A municipality may not limit the sale, at a
13 full-service retail outlet, of alcohol beverages produced by the person holding the
14 manufacturer's or rectifier's permit. If a municipality limits the scope of alcohol
15 beverages offered for sale, the provision of taste samples is limited to those alcohol
16 beverages authorized to be sold.

17 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall
18 be based on the same standards and criteria that the municipality has established
19 by ordinance for the evaluation and approval of retail license applications. A
20 municipality may not impose any requirement or restriction in connection with the
21 approval under subd. 1. that the municipality does not impose on retail licensees.

22 (e) 1. A manufacturer or rectifier may operate a restaurant at any full-service
23 retail outlet under this subsection and on the manufacturing or rectifying premises.

24 2. If the manufacturer or rectifier operates a restaurant as provided in subd.
25 1. and is authorized under this subsection to make retail sales of wine at the

1 restaurant, the manufacturer or rectifier may make retail sales of wine in an opened
2 original bottle, in a quantity not to exceed one bottle, for consumption both at the
3 restaurant and away from the restaurant if all of the following apply:

4 a. The purchaser of the wine orders food to be consumed at the restaurant.

5 b. The manufacturer or rectifier provides a dated receipt that identifies the
6 purchase of the food and the bottle of wine.

7 c. Prior to the opened, partially consumed bottle of wine being taken away from
8 the restaurant, the manufacturer or rectifier securely reinserts the cork into the
9 bottle to the point where the top of the cork is even with the top of the bottle, or
10 securely reattaches the original cap to the bottle, and the cork is reinserted or the cap
11 is reattached at a time other than during the hours in which the manufacturer or
12 rectifier is prohibited under sub. (5) (b) from making retail sales for off-premises
13 consumption.

14 (f) 1. If a manufacturer or rectifier may establish one or more full-service retail
15 outlets under pars. (b) and (g) and the manufacturer or rectifier also holds a brewer's
16 permit or winery permit or both and, as such, may establish full-service retail outlets
17 under s. 125.29 (7) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of
18 full-service retail outlets that may be established is the maximum number
19 authorized under par. (b), under s. 125.29 (7) (b), or under s. 125.53 (3) (b), whichever
20 is greatest, but not exceeding 3 full-service retail outlets. Under these
21 circumstances, each authorized full-service retail outlet shall serve as the
22 full-service retail outlet associated with each applicable permit, regardless of
23 whether the permittee would otherwise be entitled to fewer full-service retail outlets
24 when calculated under par. (b) or s. 125.29 (7) (b) or 125.53 (3) (b).

1 2. If a manufacturer or rectifier may engage in full-service retail sales on the
2 manufacturing or rectifying premises as provided in par. (a) 2. and the manufacturer
3 or rectifier also holds a brewer's permit or winery permit or both, the manufacturer
4 or rectifier may make retail sales on the manufacturing or rectifying premises of
5 fermented malt beverages produced under its brewer's permit or wine produced
6 under its winery permit without first purchasing the fermented malt beverages or
7 wine from a wholesaler holding a permit under s. 125.28 or 125.54 or receiving the
8 fermented malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g),
9 or 125.30 (4).

10 3. If a person holds more than one manufacturer's permit or rectifier's permit
11 under this section, or more than one combination permit authorized under s. 125.55
12 (1), the retail sales authority under this subsection for manufacturing or rectifying
13 premises applies with respect to each permit, but the limit on full-service retail
14 outlets is an aggregate maximum, regardless of the number of permits held.

15 (g) 1. An application for a manufacturer's or rectifier's permit, including an
16 application for an amendment to the manufacturer's or rectifier's permit, shall
17 specify each full-service retail outlet of the manufacturer or rectifier and
18 particularly describe the premises of the full-service retail outlet.

19 2. The division shall establish a process for approval of a manufacturer's or
20 rectifier's full-service retail outlet and for revocation of this approval. The division
21 shall approve a manufacturer's or rectifier's full-service retail outlet, and may not
22 revoke this approval, unless the manufacturer or rectifier has violated a provision
23 of this chapter related to full-service retail outlets. The division's failure to approve,
24 or revocation of approval of, a full-service retail outlet described in a manufacturer's
25 or rectifier's application or permit does not affect any other full-service retail outlet

1 or the manufacturing or rectifying premises as described in the application or
2 permit.

3 3. If the division approves a full-service retail outlet, the manufacturer's or
4 rectifier's permit, as initially issued or as amended, shall particularly describe the
5 premises constituting the full-service retail outlet, which shall be considered part
6 of the premises under the manufacturer's or rectifier's permit.

7 4. If the division approves a full-service retail outlet, the agent appointed
8 under s. 125.04 (6) for the manufacturer's or rectifier's permit shall also serve as the
9 agent for the full-service retail outlet.

10 5. Section 125.04 (12) (a) does not apply to a manufacturer's or rectifier's
11 full-service retail outlet. Upon notice to the division, a manufacturer or rectifier may
12 relocate any full-service retail outlet to a new location within this state once per
13 calendar year, except that one full-service retail outlet of a manufacturer or rectifier
14 may be relocated without limitation on frequency in each calendar year.

15 **(5) CLOSING HOURS.** (a) On a manufacturer's or rectifier's premises, no person
16 may sell alcohol beverages at retail for on-premises consumption, provide taste
17 samples of alcohol beverages, or consume alcohol beverages during the closing hours
18 applicable to a Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet
19 under sub. (4) shall be subject to the same closing hours applicable to a Class "B"
20 licensee under s. 125.32 (3) (a).

21 (b) On a manufacturer's or rectifier's premises and at a full-service retail
22 outlet, no person may sell alcohol beverages at retail for off-premises consumption
23 during the hours in which a Class "B" licensee in the municipality where the
24 manufacturing or rectifying premises or retail outlet is located may not make retail
25 sales under s. 125.32 (3) (am) and (d).

1 (c) No member of the public or invited guests may be present on a
2 manufacturer's or rectifier's premises during the closing hours applicable to a Class
3 "B" licensee under s. 125.32 (3) (a).

4 (d) Activities authorized under a manufacturer's or rectifier's permit related
5 to the production, shipment, transportation, or delivery of alcohol beverages may
6 occur at any time.

7 **SECTION 26fr.** 125.52 (7) of the statutes is repealed.

8 **SECTION 26fs.** 125.53 (1) of the statutes is renumbered 125.53 (1) (a) (intro.)
9 and amended to read:

10 125.53 (1) (a) (intro.) The ~~department~~ division shall issue only to a
11 manufacturing winery in this state that holds a valid certificate issued under s. 73.03
12 (50) a winery permit authorizing the permittee to engage in the following activities:

13 1. The manufacture and bottling of wine on the premises covered by the permit
14 for sale, in original unopened packages or containers, to wholesalers holding a
15 permit under s. 125.54. A winery permit also authorizes the permittee to, on

16 2. On the winery premises and without obtaining a rectifier's permit, possess
17 possessing intoxicating liquor and ~~mix or blend~~ mixing or blending intoxicating
18 liquor to produce wine sold to wholesalers holding a permit under s. 125.54. A winery
19 holding a permit under this section may offer on the premises, manufacturers or
20 rectifiers holding a permit under s. 125.52, and wineries holding a permit under this
21 section.

22 7. The provision of free taste samples of wine manufactured on the premises
23 to persons who have attained the legal drinking age. A permittee under this section
24 may also have either one "Class A" license or one "Class B" license, but not both. The
25 "Class A" license or "Class B" license may either be issued for the winery premises

1 ~~or for real estate owned or leased by the winery. If a “Class A” or “Class B” liquor~~
2 ~~license has also been issued to the winery, the winery may provide wine~~
3 ~~manufactured, mixed, or blended on the winery premises directly to the “Class A” or~~
4 ~~“Class B” premises and may offer the taste samples on the “Class A” or “Class B”~~
5 ~~premises on the winery premises or at the winery’s full-service retail outlet if the~~
6 ~~taste samples are of alcohol beverages the winery is authorized to sell under sub. (3)~~
7 ~~(c), or as authorized under s. 125.69 (9).~~

8 (b) A winery holding a permit under this section may also make retail sales of wine,
9 and provide taste samples of wine, on county or district fair fairgrounds as
10 provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples
11 shall be purchased from a wholesaler holding a permit under s. 125.54.

12 **SECTION 26ft.** 125.53 (1) (a) 3., 4., 5. and 6. of the statutes are created to read:

13 125.53 (1) (a) 3. The sale or transfer, in bulk or in any state of packaging, of wine
14 to wineries holding a permit under this section and to manufacturers and rectifiers
15 holding a permit under s. 125.52, from the winery premises.

16 4. The sale, shipment, transportation, and delivery of wine, in bulk or in any
17 state of packaging, that has been manufactured by the winery to another winery
18 holding a permit under this section or a manufacturer or rectifier holding a permit
19 under s. 125.52.

20 5. The receipt of intoxicating liquor from another winery holding a permit
21 under this section or a manufacturer or rectifier holding a permit under s. 125.52,
22 in bulk or in any state of packaging, for purposes of further manufacturing, bottling,
23 or storage.

1 6. The transportation of wine between the winery premises and any depot,
2 warehouse, or full-service retail outlet maintained by the winery or other premises
3 for which the winery holds a permit under this chapter.

4 **SECTION 26fu.** 125.53 (3) and (4) of the statutes are created to read:

5 125.53 (3) (a) 1. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to
6 subd. 3., a winery may make retail sales, on the winery premises, of wine that has
7 been manufactured or bottled by the winery on the winery premises or on other
8 premises of the winery, for on-premises or off-premises consumption.

9 2. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to subd. 3., if a
10 winery manufactured or bottled, on all winery premises operated by the winery in
11 this state, a cumulative total of at least 1,000 gallons of wine in any one of the 3
12 preceding calendar years, the winery may engage in full-service retail sales on the
13 winery premises.

14 3. If a winery held a “Class B” license immediately preceding the effective date
15 of this subdivision [LRB inserts date], for a location other than the winery
16 premises, that location shall be considered the winery premises for purposes of the
17 retail sales authorization under subds. 1. and 2. and that location shall be in addition
18 to any retail sales locations authorized under par. (b).

19 (b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and
20 (g), if a winery manufactured or bottled, on all winery premises operated by the
21 winery in this state, a cumulative total of at least 1,000 gallons of wine in any one
22 of the 3 preceding calendar years, the winery may engage in full-service retail sales
23 at off-site locations identified in the winery permit. Subject to pars. (f) and (g), the
24 number of retail sales locations a winery is allowed in addition to the winery
25 premises is determined by the cumulative volume of wine the winery manufactured

1 or bottled on all winery premises operated by the winery in this state in any one of
2 the 3 preceding calendar years, as follows:

3 1. If the winery's cumulative volume in a year was at least 1,000 gallons of wine
4 but less than 5,000 gallons of wine, the winery may establish one full-service retail
5 outlet.

6 2. If the winery's cumulative volume in a year was at least 5,000 gallons of wine
7 but less than 25,000 gallons of wine, the winery may establish not more than 2
8 full-service retail outlets.

9 3. If the winery's cumulative volume in a year was at least 25,000 gallons of
10 wine, the winery may establish not more than 3 full-service retail outlets.

11 (c) 1. Except as provided in subd. 2. and par. (f), a winery may make full-service
12 retail sales of alcohol beverages on the winery premises and at any of its full-service
13 retail outlets only if the alcohol beverages were purchased by the winery from a
14 wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to
15 make sales to retailers under s. 125.29 (3m), from a brewpub authorized to make
16 sales to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30
17 authorized to make sales to retailers under s. 125.30 (4).

18 2. A winery is not required to purchase from another permittee wine
19 manufactured or bottled by the winery that the winery sells at retail on the winery
20 premises or at a full-service retail outlet of the winery.

21 3. Subject to subd. 2. and par. (f), a winery engaged in full-service retail sales
22 on winery premises or at a full-service retail outlet of the winery is subject to ss.
23 125.33 (9) and 125.69 (6) to the same extent as if the winery were a retail licensee.

24 (d) 1. A winery may not commence sales of alcohol beverages at a full-service
25 retail outlet unless, prior to commencing such sales, the winery receives approval

1 from the municipality in which the full-service retail outlet is located and from the
2 division as provided in par. (g).

3 2. Subject to par. (f), a municipality may limit the scope of alcohol beverages
4 offered for sale at a full-service retail outlet only with respect to alcohol beverages
5 that are not of the same type as those produced by the person holding the winery
6 permit. A municipality may not limit the sale, at a full-service retail outlet, of
7 alcohol beverages produced by the person holding the winery permit. If a
8 municipality limits the scope of alcohol beverages offered for sale, the provision of
9 taste samples is limited to those alcohol beverages authorized to be sold.

10 3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall
11 be based on the same standards and criteria that the municipality has established
12 by ordinance for the evaluation and approval of retail license applications. A
13 municipality may not impose any requirement or restriction in connection with the
14 approval under subd. 1. that the municipality does not impose on retail licensees.

15 (e) 1. A winery may operate a restaurant at any full-service retail outlet under
16 this subsection and on the winery premises.

17 2. If the winery operates a restaurant as provided in subd. 1., the winery may
18 make retail sales of wine in an opened original bottle, in a quantity not to exceed one
19 bottle, for consumption both at the restaurant and away from the restaurant if all
20 of the following apply:

21 a. The purchaser of the wine orders food to be consumed at the restaurant.

22 b. The winery provides a dated receipt that identifies the purchase of the food
23 and the bottle of wine.

24 c. Prior to the opened, partially consumed bottle of wine being taken away from
25 the restaurant, the winery securely reinserts the cork into the bottle to the point

1 where the top of the cork is even with the top of the bottle, or securely reattaches the
2 original cap to the bottle, and the cork is reinserted or the cap is reattached at a time
3 other than during the hours in which the winery is prohibited under sub. (4) (b) from
4 making retail sales for off-premises consumption.

5 (f) 1. If a winery may establish one or more full-service retail outlets under
6 pars. (b) and (g) and the winery also holds a manufacturer's or rectifier's permit or
7 brewer's permit or both and, as such, may establish full-service retail outlets under
8 s. 125.29 (7) (b) and (g) or 125.52 (4) (b) and (g), the aggregate number of full-service
9 retail outlets that may be established is the maximum number authorized under par.
10 (b), under s. 125.29 (7) (b), or under s. 125.52 (4) (b), whichever is greatest, but not
11 exceeding 3 full-service retail outlets. Under these circumstances, each authorized
12 full-service retail outlet shall serve as the full-service retail outlet associated with
13 each applicable permit, regardless of whether the permittee would otherwise be
14 entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.29
15 (7) (b) or 125.52 (4) (b).

16 2. If a winery may engage in full-service retail sales on the winery premises
17 as provided in par. (a) 2. and the winery also holds a brewer's permit or
18 manufacturer's or rectifier's permit or both, the winery may make retail sales on the
19 winery premises of fermented malt beverages produced under its brewer's permit or
20 intoxicating liquor produced under its manufacturer's or rectifier's permit without
21 first purchasing the fermented malt beverages or intoxicating liquor from a
22 wholesaler holding a permit under s. 125.28 or 125.54 or receiving the fermented
23 malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g), or 125.30
24 (4).

1 3. If a person holds more than one winery permit under this section, the retail
2 sales authority under this subsection for winery premises applies with respect to
3 each winery permit, but the limit on full-service retail outlets is an aggregate
4 maximum, regardless of the number of winery permits held.

5 (g) 1. An application for a winery permit, including an application for an
6 amendment to the winery permit, shall specify each full-service retail outlet of the
7 winery and particularly describe the premises of the full-service retail outlet.

8 2. The division shall establish a process for approval of a winery's full-service
9 retail outlet and for revocation of this approval. The division shall approve a winery's
10 full-service retail outlet, and may not revoke this approval, unless the winery has
11 violated a provision of this chapter related to full-service retail outlets. The
12 division's failure to approve, or revocation of approval of, a full-service retail outlet
13 described in a winery's application or permit does not affect any other full-service
14 retail outlet or the winery premises as described in the application or permit.

15 3. If the division approves a full-service retail outlet, the winery permit, as
16 initially issued or as amended, shall particularly describe the premises constituting
17 the full-service retail outlet, which shall be considered part of the premises under
18 the winery permit.

19 4. If the division approves a full-service retail outlet, the agent appointed
20 under s. 125.04 (6) for the winery permit shall also serve as the agent for the
21 full-service retail outlet.

22 5. Section 125.04 (12) (a) does not apply to a winery's full-service retail outlet.
23 Upon notice to the division, a winery may relocate any full-service retail outlet to a
24 new location within this state once per calendar year, except that one full-service

1 retail outlet of a winery may be relocated without limitation on frequency in each
2 calendar year.

3 (4) (a) On winery premises, no person may sell alcohol beverages at retail for
4 on-premises consumption, provide taste samples of alcohol beverages, or consume
5 alcohol beverages during the closing hours applicable to a Class “B” licensee under
6 s. 125.32 (3) (a). A full-service retail outlet under sub. (3) shall be subject to the same
7 closing hours applicable to a Class “B” licensee under s. 125.32 (3) (a).

8 (b) On winery premises and at a full-service retail outlet, no person may sell
9 alcohol beverages at retail for off-premises consumption during the hours in which
10 a Class “B” licensee in the municipality where the winery or retail outlet is located
11 may not make retail sales under s. 125.32 (3) (am) and (d).

12 (c) No member of the public or invited guests may be present on winery
13 premises during the closing hours applicable to a Class “B” licensee under s. 125.32
14 (3) (a).

15 (d) Activities authorized under a winery permit related to the production,
16 shipment, transportation, or delivery of alcohol beverages may occur at any time.

17 **SECTION 26fv.** 125.535 (1) of the statutes is amended to read:

18 125.535 (1) AUTHORIZED ACTIVITIES. The ~~department~~ division shall issue direct
19 wine shippers’ permits authorizing the permittee to ship wine manufactured or
20 bottled by the permittee directly to an individual in this state who is of the legal
21 drinking age, who acknowledges receipt of the wine shipped, and who is not
22 intoxicated at the time of delivery.

23 **SECTION 26fw.** 125.535 (2) of the statutes is amended to read:

24 125.535 (2) ANNUAL PERMIT FEE. The ~~department~~ division may, by rule,
25 establish an annual fee, not to exceed \$100, for each permit issued under this section.

1 All fees collected under this subsection shall be credited to the appropriation account
2 under s. 20.566 (1) (ha).

3 **SECTION 26fx.** 125.535 (3) (b) 2. of the statutes is amended to read:

4 125.535 (3) (b) 2. The winery submits to the department division, with any
5 initial application or renewal for a certificate under s. 73.03 (50) or a permit under
6 par. (a) 3. or 4., a copy of any current license, permit, or authorization issued to the
7 winery by the state from which the winery will ship wine into this state or the
8 winery's federal basic permit.

9 **SECTION 26fy.** 125.535 (3) (b) 3. of the statutes is created to read:

10 125.535 (3) (b) 3. The winery satisfies all requirements under par. (d).

11 **SECTION 26fz.** 125.535 (3) (c) of the statutes is amended to read:

12 125.535 (3) (c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining
13 direct wine shippers' permits are not required to be residents of this state.
14 Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a
15 responsible beverage server training course to be eligible for a permit under this
16 section. ~~Corporations and limited liability companies obtaining direct wine shippers'~~
17 ~~permits are subject to s. 125.04 (6) and any other person, including any natural~~
18 ~~person or cooperative, obtaining a direct wine shipper's permit shall appoint an~~
19 ~~agent, and be subject to all provisions of s. 125.04 (6), in the same manner applicable~~
20 ~~to corporations and limited liability companies. Notwithstanding s. 125.04 (5) (a) 2.~~
21 ~~and (c), an agent appointed under s. 125.04 (6) by a corporation or limited liability~~
22 ~~company obtaining a direct wine shipper's permit is not required to be a resident of~~
23 ~~this state.~~

24 **SECTION 26gb.** 125.535 (3) (d) and (e) of the statutes are created to read:

1 125.535 (3) (d) 1. Unless the permittee or agent of the permittee appointed
2 under s. 125.04 (6) is a resident of this state, or unless the permittee maintains a
3 registered agent in this state under s. 180.0501, 180.1507, 183.0105, or 183.1007, a
4 permittee under this section shall appoint and continually engage the services of an
5 agent in this state to act as agent for the service of process on whom all processes,
6 and any action or proceeding against the permittee concerning or arising out of the
7 enforcement of any provision of this chapter or ch. 139, may be served in any manner
8 authorized by law. That service shall constitute legal and valid service of process on
9 the permittee. The permittee shall provide to the division, in the form and manner
10 prescribed by the division, the name, address, phone number, and proof of the
11 appointment and availability of the agent.

12 2. The permittee shall provide notice to the division 30 calendar days before
13 termination of the authority of an agent under subd. 1. and shall provide proof to the
14 satisfaction of the division of the appointment of a new agent no less than 5 calendar
15 days before the termination of an existing agent appointment. In the event an agent
16 terminates an agency appointment, the permittee shall notify the division of that
17 termination within 5 calendar days and shall include proof to the satisfaction of the
18 division of the appointment of a new agent.

19 3. If a permittee fails to maintain an agent in this state after a permit is issued
20 under this section, the permittee is considered to have appointed the department of
21 financial institutions as the permittee's agent, and the permittee may be proceeded
22 against in courts of this state by service of process upon the department of financial
23 institutions.

24 (e) The application for a permit under this section shall include a provision that
25 the permittee agrees to do all of the following:

1 1. File reports, provide records, and allow inspections and examinations to the
2 extent provided in s. 125.025 and ch. 139.

3 2. Pay the expenses reasonably attributable to inspections and examinations
4 made by the division at any premises of the permittee located outside this state.

5 3. Accept service of process and consent to jurisdiction in any proceeding in this
6 state to enforce the provisions of this chapter or ch. 139.

7 **SECTION 26gc.** 125.535 (7) of the statutes is created to read:

8 125.535 (7) SHIPMENTS THROUGH FULFILLMENT HOUSE; COMMON CARRIERS. (a) A
9 permittee under this section may arrange with a fulfillment house to ship wine on
10 the permittee's behalf only if the fulfillment house holds a permit under s. 125.23.

11 (b) All containers of wine shipped directly to an individual in this state shall
12 be shipped using a common carrier holding a permit issued under s. 125.22.

13 **SECTION 26gd.** 125.54 (1) of the statutes is amended to read:

14 125.54 (1) AUTHORIZED ACTIVITIES. The department division shall issue
15 wholesalers' permits authorizing the permittee to sell, from the premises described
16 in the permit, intoxicating liquor at wholesale to retailers and wholesalers, as well
17 as to manufacturers, rectifiers, and wineries for production purposes. The permittee
18 may not sell intoxicating liquor for consumption on the premises. Possession of a
19 permit under this section does not authorize the permittee to sell tax-free
20 intoxicating liquor and wine brought into this state under s. 139.03 (5).

21 **SECTION 26ge.** 125.54 (3) of the statutes is amended to read:

22 125.54 (3) TASTE SAMPLES ON "CLASS A" RETAIL PREMISES. Wholesalers holding
23 a permit issued under this section, employees of such wholesalers, and individuals
24 representing such wholesalers may not assist or participate in providing taste
25 samples under s. ~~125.06 (13) (a) or~~ 125.51 (2) (am) or 125.69 (9).

1 **SECTION 26gf.** 125.54 (5) of the statutes is amended to read:

2 125.54 (5) SALES AREA. No wholesaler may sell any intoxicating liquor before
3 filing with the ~~department~~ division a written statement that the permittee is a
4 distributor of a particular brand in this state, or an area of this state, and that the
5 sales of that brand by the permittee and anyone purchasing from the permittee will
6 be limited to the area specified. The permittee shall notify the ~~department~~ division
7 of any change in the area within 7 days of the effective date of the change.

8 **SECTION 26gg.** 125.54 (6) of the statutes is amended to read:

9 125.54 (6) MULTIPLE PERMITS. ~~Not more than 2~~ Multiple wholesalers' permits
10 may be issued to any one person. In each application for a wholesaler's permit, the
11 applicant shall state that whether application has ~~not~~ been made for ~~more than one~~
12 any other wholesaler's permit and shall identify any other wholesaler's permit held
13 by the applicant.

14 **SECTION 26gh.** 125.54 (7) (a) 2. of the statutes is amended to read:

15 125.54 (7) (a) 2. A permittee under this section shall annually sell and deliver
16 intoxicating liquor to at least 10 retail licensees or permittees that do not have ~~any~~
17 ~~direct or indirect~~ an interest in each other or in the permittee under this section. The
18 ~~department~~ division shall not issue a permit under this section unless the applicant
19 represents to the ~~department~~ division an intention to satisfy this requirement, and
20 shall not renew a permit issued under this section unless the permittee
21 demonstrates that this requirement has been satisfied.

22 **SECTION 26gi.** 125.54 (7) (c) 3. of the statutes is amended to read:

23 125.54 (7) (c) 3. This paragraph shall not affect the authority of any
24 municipality or the ~~department~~ division to revoke, suspend, or refuse to renew or
25 issue a license or permit under s. 125.12.

1 **SECTION 26gj.** 125.54 (7) (d) of the statutes is amended to read:

2 125.54 (7) (d) The ~~department~~ division shall promulgate rules to administer
3 and enforce the requirements under this subsection. The rules shall ensure
4 coordination between the ~~department's~~ division's issuance and renewal of permits
5 under this section and its enforcement of the requirements of this subsection, and
6 shall require that all applications for issuance or renewal of permits under this
7 section be processed by ~~department~~ division personnel generally familiar with
8 activities of intoxicating liquor wholesalers. The ~~department~~ division shall establish
9 by rule minimum requirements for warehouse facilities on premises described in
10 permits issued under this section and for periodic site inspections by the ~~department~~
11 division of such warehouse facilities.

12 **SECTION 26gk.** 125.545 (title) of the statutes is amended to read:

13 **125.545 (title) Small winery cooperative wholesalers.**

14 **SECTION 26gm.** 125.545 (1) (a) of the statutes is amended to read:

15 125.545 (1) (a) "Member" means a small winery or small manufacturer that
16 meets the requirements established under this section for membership in a
17 cooperative wholesaler and that has been qualified and accepted for membership in
18 a cooperative wholesaler.

19 **SECTION 26gn.** 125.545 (1) (ar) of the statutes is created to read:

20 125.545 (1) (ar) "Out-of-state manufacturer" means a manufacturer or
21 rectifier of intoxicating liquor that is located in a state other than this state.

22 **SECTION 26go.** 125.545 (1) (cm) of the statutes is created to read:

23 125.545 (1) (cm) "Small manufacturer" means any manufacturer or rectifier
24 that produces and bottles less than 50,000 gallons of intoxicating liquor other than
25 wine in a calendar year.

1 **SECTION 26gp.** 125.545 (1) (d) of the statutes is amended to read:

2 125.545 (1) (d) “Small winery” means any winery that produces and bottles less
3 than ~~25,000~~ 50,000 gallons of wine in a calendar year.

4 **SECTION 26gq.** 125.545 (1) (e) of the statutes is amended to read:

5 125.545 (1) (e) “Small ~~winery~~ cooperative wholesaler” or “cooperative
6 wholesaler” means an entity established under this section.

7 **SECTION 26gr.** 125.545 (1) (em) of the statutes is created to read:

8 125.545 (1) (em) “Wisconsin manufacturer” means a manufacturer or rectifier
9 operating under a permit issued under s. 125.52.

10 **SECTION 26gs.** 125.545 (2) (a) 1. of the statutes is amended to read:

11 125.545 (2) (a) 1. A cooperative wholesaler may only be created as provided
12 under s. 185.043 (2) and this section. Each cooperative wholesaler operating under
13 authority of this section shall be organized under ch. 185 but shall be subject to the
14 limitations on such cooperatives imposed by this section. Subject to ~~subd.~~ subds. 3.
15 and 4., only small wineries and small manufacturers may be members of a
16 cooperative wholesaler. The principal purpose of a cooperative wholesaler shall be
17 to sell and distribute ~~wine~~ intoxicating liquor manufactured, blended, or mixed, and
18 also bottled, by its members.

19 **SECTION 26gt.** 125.545 (2) (a) 3. b. of the statutes is amended to read:

20 125.545 (2) (a) 3. b. The small winery is certified by the ~~department~~ division
21 under sub. (6) (a) as a small winery.

22 **SECTION 26gu.** 125.545 (2) (a) 4. of the statutes is created to read:

23 125.545 (2) (a) 4. A small manufacturer may become a member of a cooperative
24 wholesaler only if the small manufacturer is certified by the division under sub. (6)
25 (a) as a small manufacturer.

1 **SECTION 26gv.** 125.545 (2) (b) of the statutes is amended to read:

2 125.545 (2) (b) In addition to the requirements specified in s. 185.31 for the
3 board of directors of a cooperative wholesaler, a director representing a member that
4 is a Wisconsin winery or Wisconsin manufacturer shall be either an owner or an
5 employee of that Wisconsin winery or Wisconsin manufacturer. If any out-of-state
6 winery or out-of-state manufacturer is a member of the cooperative wholesaler, at
7 least one director shall be either an owner or an employee of an out-of-state winery
8 or out-of-state manufacturer that is a member of the cooperative wholesaler.

9 **SECTION 26gw.** 125.545 (2) (c) of the statutes is amended to read:

10 125.545 (2) (c) Notwithstanding any provision of ch. 185, a cooperative
11 wholesaler may not employ any owner or employee of a member. However, an
12 individual that is an owner or an employee of a member may act as a volunteer to
13 assist that cooperative wholesaler in the sale and distribution of wine intoxicating
14 liquor to retailers and other wholesalers in the manner authorized under this
15 section.

16 **SECTION 26gx.** 125.545 (3) (a) 1. of the statutes is amended to read:

17 125.545 (3) (a) 1. Within 7 days after filing its articles of incorporation under
18 ch. 185, a cooperative wholesaler shall apply to the department division for a
19 wholesaler's permit under s. 125.54. The provisions of s. 125.04 (5) (c) and (6) shall
20 apply to a cooperative wholesaler as if the cooperative wholesaler were a corporation
21 or a limited liability company and, for each of these provisions, the department
22 division shall determine whether the cooperative wholesaler is most similar to a
23 corporation or a limited liability company in the context of that provision and apply
24 that provision to the cooperative wholesaler accordingly.

25 **SECTION 26hb.** 125.545 (3) (a) 2. of the statutes is amended to read:

1 125.545 (3) (a) 2. Notwithstanding s. 125.54 (6), the ~~department~~ division may
2 issue not more than one wholesaler's permit to any cooperative wholesaler. The
3 ~~department~~ division may not issue more than a total of 6 wholesalers' permits to
4 cooperative wholesalers in this state. The ~~department~~ division may not issue any
5 new wholesaler's permit to a cooperative wholesaler after December 31, 2008, but
6 may renew wholesalers' permits that were initially issued to cooperative wholesalers
7 prior to that date.

8 **SECTION 26hc.** 125.545 (3) (a) 2. of the statutes, as affected by 2023 Wisconsin
9 Act (this act), is amended to read:

10 125.545 (3) (a) 2. Notwithstanding s. 125.54 (6), the division may issue not
11 more than one wholesaler's permit to any cooperative wholesaler. The division may
12 not issue more than a total of 6 wholesalers' permits to cooperative wholesalers in
13 this state. ~~The~~ Except as provided in subd. 2m., the division may not issue any new
14 wholesaler's permit to a cooperative wholesaler after December 31, 2008, but may
15 renew wholesalers' permits that were initially issued to cooperative wholesalers
16 prior to that date.

17 **SECTION 26hd.** 125.545 (3) (a) 2m. of the statutes is created to read:

18 125.545 (3) (a) 2m. The division may issue new wholesalers' permits to
19 cooperative wholesalers after the effective date of this subdivision [LRB inserts
20 date], but not later than the first day of the 7th month beginning after the effective
21 date of this subdivision [LRB inserts date], and may renew wholesalers' permits
22 that were initially issued to cooperative wholesalers during this period. The division
23 may not issue new wholesalers' permits under this subdivision that cause the total
24 number of wholesalers' permits issued to cooperative wholesalers in this state to
25 exceed 6.

1 **SECTION 26he.** 125.545 (3) (b) of the statutes is amended to read:

2 125.545 **(3)** (b) 1. Notwithstanding s. 125.54 (1), and except as provided in subd.
3 3., a cooperative wholesaler issued a wholesaler's permit under par. (a) is authorized
4 to sell and distribute only wine intoxicating liquor. Except as provided in subd. 3.,
5 a cooperative wholesaler may not sell or distribute any alcohol beverages, or any
6 other product, except wine intoxicating liquor.

7 2. A cooperative wholesaler shall purchase ~~on consignment~~ wine intoxicating
8 liquor from its members to be resold to retailers and other wholesalers.
9 Notwithstanding s. 125.69 (5), a cooperative wholesaler may not purchase wine
10 intoxicating liquor from any person other than a member. A cooperative wholesaler
11 may not resell or distribute wine intoxicating liquor unless it has been purchased ~~on~~
12 ~~consignment~~ from a member. Notwithstanding s. 125.54 (1), a cooperative
13 wholesaler may not sell or distribute wine intoxicating liquor except to a retailer or
14 to a wholesaler holding a permit under s. 125.54.

15 3. A cooperative wholesaler may purchase ancillary wine industry trade goods
16 such as bottles, corks, and other supplies used by wineries or manufacturers in the
17 bottling and sale of wine intoxicating liquor if such trade goods do not include any
18 alcohol beverages. Any wine industry trade goods purchased by a cooperative
19 wholesaler under this subdivision may be offered for resale to the cooperative
20 wholesaler's members or to any winery or manufacturer that was formerly a member
21 of the cooperative wholesaler.

22 4. A cooperative wholesaler shall work with all of its members on evenhanded
23 terms. Any preferential treatment by a cooperative wholesaler for the benefit of a
24 member that is a Wisconsin winery or Wisconsin manufacturer, and any

1 discrimination against a member that is an out-of-state winery or out-of-state
2 manufacturer, is prohibited.

3 **SECTION 26hf.** 125.545 (3) (c) of the statutes is amended to read:

4 125.545 (3) (c) Neither a cooperative wholesaler nor its members are subject
5 to any restriction on dealings under s. 125.69 (1) between wholesalers and wineries
6 or manufacturers. Except as provided in s. 125.54 (7) (e) and as otherwise provided
7 in this section, all provisions of this chapter and ch. 139 that apply to a wholesaler
8 issued a permit under s. 125.54 also apply to a cooperative wholesaler issued a permit
9 under s. 125.54.

10 **SECTION 26hg.** 125.545 (4) of the statutes is amended to read:

11 125.545 (4) EXCLUSIVE DISTRIBUTION. A member of a cooperative wholesaler
12 may make its wine intoxicating liquor available for purchase by a retailer or another
13 wholesaler only through the cooperative wholesaler of which it is a member. A
14 member of a cooperative wholesaler may not sell its wine intoxicating liquor directly
15 to any other wholesaler or directly to a retailer.

16 **SECTION 26hi.** 125.545 (5) of the statutes is amended to read:

17 125.545 (5) BIENNIAL REPORTS. With each application for renewal of a
18 wholesaler's permit issued to a cooperative wholesaler, each cooperative wholesaler
19 shall file with the ~~department~~ division, in the form and manner prescribed by the
20 ~~department~~ division by rule, a biennial report that includes detailed information on
21 its members, board of directors, and sale and distribution activities.

22 **SECTION 26hj.** 125.545 (6) (title) and (a) 1. and 2. of the statutes are amended
23 to read:

24 125.545 (6) (title) ~~DEPARTMENT~~ DIVISION CERTIFICATION AND RULE MAKING.

1 (a) 1. The ~~department~~ division shall, upon application, certify eligible
2 applicants as small wineries and renew prior certifications of eligible applicants as
3 small wineries.

4 2. Any winery seeking to become a member of, or to maintain its membership
5 in, a cooperative wholesaler may apply to the ~~department~~ division for certification
6 as a small winery. If the winery meets the definition of a small winery under this
7 section, satisfies the requirement under sub. (2) (a) 3. a., and submits any other
8 information that the ~~department~~ division determines is necessary to certify that the
9 winery is operating as a small winery and is eligible for membership in a cooperative
10 wholesaler, the ~~department~~ division shall certify the winery as a small winery. This
11 certification shall remain valid for one year.

12 **SECTION 26hk.** 125.545 (6) (a) 1. of the statutes, as affected by 2023 Wisconsin
13 Act (this act), is amended to read:

14 125.545 (6) (a) 1. The division shall, upon application, certify eligible
15 applicants as small wineries or small manufacturers and renew prior certifications
16 of eligible applicants as small wineries or small manufacturers.

17 **SECTION 26hm.** 125.545 (6) (a) 2m. of the statutes is created to read:

18 125.545 (6) (a) 2m. Any manufacturer seeking to become a member of, or to
19 maintain its membership in, a cooperative wholesaler may apply to the division for
20 certification as a small manufacturer. If the manufacturer meets the definition of
21 a small manufacturer under this section and submits any other information that the
22 division determines is necessary to certify that the manufacturer is operating as a
23 small manufacturer and is eligible for membership in a cooperative wholesaler, the
24 division shall certify the manufacturer as a small manufacturer. This certification
25 shall remain valid for one year.

1 **SECTION 26hn.** 125.545 (6) (a) 3. of the statutes is amended to read:

2 125.545 (6) (a) 3. In certifying any winery under subd. 2., the department
3 division shall classify the winery as either a Wisconsin winery or an out-of-state
4 winery.

5 **SECTION 26ho.** 125.545 (6) (a) 3m. of the statutes is created to read:

6 125.545 (6) (a) 3m. In certifying any manufacturer under subd. 2m., the
7 division shall classify the manufacturer as either a Wisconsin manufacturer or an
8 out-of-state manufacturer.

9 **SECTION 26hp.** 125.545 (6) (a) 4. of the statutes is amended to read:

10 125.545 (6) (a) 4. The ~~department~~ division shall refuse to certify under this
11 paragraph any winery that cannot demonstrate it holds all necessary permits for its
12 operations or that the ~~department~~ division finds is otherwise not in full compliance
13 with the laws of this state.

14 **SECTION 26hq.** 125.545 (6) (a) 4. of the statutes, as affected by 2023 Wisconsin
15 Act (this act), is amended to read:

16 125.545 (6) (a) 4. The division shall refuse to certify under this paragraph any
17 winery or manufacturer that cannot demonstrate it holds all necessary permits for
18 its operations or that the division finds is otherwise not in full compliance with the
19 laws of this state.

20 **SECTION 26hr.** 125.545 (6) (b) of the statutes is amended to read:

21 125.545 (6) (b) The ~~department~~ division shall promulgate rules to administer
22 and enforce the requirements under this section.

23 **SECTION 26hs.** 125.545 (7) of the statutes is amended to read:

24 125.545 (7) PENALTIES. (a) Any winery that sells or distributes its wine directly
25 to a retailer, rather than through a wholesaler or cooperative wholesaler, is subject

1 to a fine of not more than \$10,000 and revocation of all of its permits by the
2 department division under s. 125.12 (5).

3 (b) Any cooperative wholesaler that provides preferential treatment to a
4 Wisconsin winery or discriminates against an out-of-state winery is subject to a fine
5 of not more than \$10,000 and revocation of its wholesaler's permit by the department
6 division under s. 125.12 (5).

7 **SECTION 26ht.** 125.545 (7) of the statutes, as affected by 2023 Wisconsin Act
8 (this act), is amended to read:

9 125.545 (7) PENALTIES. (a) Any winery or manufacturer that sells or distributes
10 its wine intoxicating liquor directly to a retailer, rather than through a wholesaler
11 or cooperative wholesaler, is subject to a fine of not more than \$10,000 and revocation
12 of all of its permits by the division under s. 125.12 (5).

13 (b) Any cooperative wholesaler that provides preferential treatment to a
14 Wisconsin winery or Wisconsin manufacturer or discriminates against an
15 out-of-state winery or out-of-state manufacturer is subject to a fine of not more
16 than \$10,000 and revocation of its wholesaler's permit by the division under s. 125.12
17 (5).

18 **SECTION 26hu.** 125.55 (1) of the statutes is amended to read:

19 125.55 (1) The department division may issue a combination manufacturer's
20 and rectifier's permit.

21 **SECTION 26hv.** 125.56 (2) (a) of the statutes is amended to read:

22 125.56 (2) (a) The department division shall issue sacramental wine permits
23 to organized religious bodies authorizing them to purchase for their own use
24 sacramental wine from any permittee under s. 125.52 (1), 125.53 or 125.54. A permit

1 under this subsection does not authorize the resale of sacramental wine by the
2 permittee.

3 **SECTION 26hw.** 125.56 (2) (c) of the statutes is amended to read:

4 125.56 (2) (c) Shipments of sacramental wine shall be conspicuously labeled
5 “for sacramental purposes” and shall meet any other requirements the ~~department~~
6 division prescribes by rule.

7 **SECTION 26hx.** 125.56 (2) (d) of the statutes is amended to read:

8 125.56 (2) (d) A sacramental wine permit shall be issued free of charge by the
9 ~~department~~ division and is not subject to s. 125.04 (11) (a).

10 **SECTION 26hy.** 125.58 (1) of the statutes is amended to read:

11 125.58 (1) The ~~department~~ division shall issue out-of-state shippers’ permits
12 which authorize persons located outside this state to sell or ship intoxicating liquor
13 into this state. Except as provided under ~~sub.~~ subs. (4) and (5), intoxicating liquor
14 may be shipped into this state only to a person holding a wholesaler’s permit under
15 s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a
16 permit under this section, to a person holding a manufacturer’s or rectifier’s permit
17 under s. 125.52 or a winery permit under s. 125.53. Except as provided under ~~sub.~~
18 subs. (4) and (5), a separate out-of-state shipper’s permit is required for each
19 location from which any intoxicating liquor is sold or shipped into this state,
20 including the location from which the invoices are issued for the sales or shipments.
21 Any person holding an out-of-state shipper’s permit issued under this section may
22 solicit orders for sales or shipments by the permittee without obtaining the sales
23 solicitation permit required by s. 125.65, but every agent, salesperson or other
24 representative who solicits orders for sales or shipments by an out-of-state shipper
25 shall first obtain a permit for soliciting orders under s. 125.65. No holder of an

1 out-of-state shipper's permit issued under this section may sell intoxicating liquor
2 in this state or ship intoxicating liquor into this state unless the out-of-state shipper
3 is the primary source of supply for that intoxicating liquor.

4 **SECTION 26hz.** 125.58 (2) of the statutes is renumbered 125.58 (2) (a).

5 **SECTION 26jb.** 125.58 (2) (b) and (c) of the statutes are created to read:

6 125.58 (2) (b) 1. Unless the permittee or agent of the permittee appointed under
7 s. 125.04 (6) is a resident of this state, or unless the permittee maintains a registered
8 agent in this state under s. 180.0501, 180.1507, 183.0105, or 183.1007, a permittee
9 under this section shall appoint and continually engage the services of an agent in
10 this state to act as agent for the service of process on whom all processes, and any
11 action or proceeding against the permittee concerning or arising out of the
12 enforcement of any provision of this chapter or ch. 139, may be served in any manner
13 authorized by law. That service shall constitute legal and valid service of process on
14 the permittee. The permittee shall provide to the division, in the form and manner
15 prescribed by the division, the name, address, phone number, and proof of the
16 appointment and availability of the agent.

17 2. The permittee shall provide notice to the division 30 calendar days before
18 termination of the authority of an agent under subd. 1. and shall provide proof to the
19 satisfaction of the division of the appointment of a new agent no less than 5 calendar
20 days before the termination of an existing agent appointment. In the event an agent
21 terminates an agency appointment, the permittee shall notify the division of that
22 termination within 5 calendar days and shall include proof to the satisfaction of the
23 division of the appointment of a new agent.

24 3. If a permittee fails to maintain an agent in this state after a permit is issued
25 under this section, the permittee is considered to have appointed the department of

1 financial institutions as the permittee's agent, and the permittee may be proceeded
2 against in courts of this state by service of process upon the department of financial
3 institutions.

4 (c) The application for a permit under this section shall include a provision that
5 the permittee agrees to do all of the following:

6 1. File reports, provide records, and allow inspections and examinations to the
7 extent provided in s. 125.025 and ch. 139.

8 2. Pay the expenses reasonably attributable to inspections and examinations
9 made by the division at the premises of the permittee located outside this state.

10 3. Accept service of process and consent to jurisdiction in any proceeding in this
11 state to enforce the provisions of this chapter or ch. 139.

12 **SECTION 26jc.** 125.58 (5) of the statutes is created to read:

13 125.58 (5) A fulfillment house located outside this state that holds a permit
14 under s. 125.23 may ship wine into this state as provided in s. 125.23 and is not
15 required to hold an out-of-state shipper's permit under this section.

16 **SECTION 26jd.** 125.60 (1) of the statutes is amended to read:

17 125.60 (1) The ~~department~~ division may issue a wholesale alcohol permit
18 which authorizes the permittee to sell ethyl alcohol of 190 proof or more to persons
19 holding permits or licenses issued under s. 125.61 or 125.62. Nothing in this section
20 requires manufacturers, rectifiers and wholesalers holding permits issued under s.
21 125.52 (1) or 125.54 to obtain a wholesale alcohol permit.

22 **SECTION 26je.** 125.61 (1) of the statutes is amended to read:

23 125.61 (1) The ~~department~~ division may issue a medicinal alcohol permit
24 which authorizes the permittee to purchase and use alcohol for medicinal purposes

1 only. The permit may be issued only to persons who prove to the ~~department~~ division
2 that they use alcohol for medicinal purposes.

3 **SECTION 26jf.** 125.61 (3) of the statutes is amended to read:

4 125.61 (3) Shipments of medicinal alcohol shall be conspicuously labeled “for
5 medicinal purposes” and shall meet other requirements which the ~~department~~
6 division prescribes by rule.

7 **SECTION 26jg.** 125.61 (4) of the statutes is amended to read:

8 125.61 (4) A medicinal permit shall be issued free of charge by the ~~department~~
9 division and is not subject to s. 125.04 (11) (a).

10 **SECTION 26jh.** 125.62 (1) of the statutes is amended to read:

11 125.62 (1) The ~~department~~ division may issue an industrial alcohol permit
12 which authorizes the permittee to purchase and use alcohol for industrial purposes
13 only. Such permits may be issued only to persons who prove to the ~~department~~
14 division that they use alcohol for industrial purposes.

15 **SECTION 26ji.** 125.62 (3) of the statutes is amended to read:

16 125.62 (3) Shipments of industrial alcohol shall be conspicuously labeled “for
17 industrial purposes” and shall meet other requirements which the ~~department~~
18 division prescribes by rule.

19 **SECTION 26jk.** 125.63 (1) of the statutes is amended to read:

20 125.63 (1) The ~~department~~ division may issue an industrial wine permit which
21 authorizes the purchase and use of wine for industrial purposes only. An industrial
22 wine permit may be issued only to persons who prove to the ~~department~~ division that
23 they use wine for industrial purposes.

24 **SECTION 26jm.** 125.63 (3) of the statutes is amended to read:

1 125.63 (3) Shipments of industrial wine shall be conspicuously labeled “for
2 industrial purposes” and shall meet other requirements which the department
3 division prescribes by rule.

4 **SECTION 26jn.** 125.65 (1) of the statutes is amended to read:

5 125.65 (1) The department division may issue a permit for wholesale sales for
6 future delivery which authorizes the permittee to solicit orders, and to engage in the
7 sale, of intoxicating liquor for delivery at a future date. A person holding a permit
8 under this section may give a sample of a brand of intoxicating liquor to a “Class A”
9 licensee who has not previously purchased that brand from the permittee.

10 **SECTION 26jo.** 125.65 (4) (intro.) of the statutes is amended to read:

11 125.65 (4) (intro.) The department division shall require the following
12 information in applications for permits under this section:

13 **SECTION 26jp.** 125.65 (4) (e) of the statutes is amended to read:

14 125.65 (4) (e) Any other information required by the department division.

15 **SECTION 26jq.** 125.65 (6) of the statutes is amended to read:

16 125.65 (6) Employers shall furnish the department division with the names of
17 all employees engaged in activities requiring a permit under this section and shall
18 notify the department division whenever an employee begins or terminates
19 employment. Upon leaving employment, an employee shall submit his or her permit
20 to the department division for cancellation.

21 **SECTION 26jr.** 125.65 (10) of the statutes is amended to read:

22 125.65 (10) The department division may not require a fee for a permit under
23 this section for an individual who is eligible for the veterans fee waiver program
24 under s. 45.44.

25 **SECTION 26js.** 125.68 (2) of the statutes is amended to read:

1 125.68 (2) OPERATORS' LICENSES; "CLASS A," "CLASS B," "CLASS C," AND OTHER
2 PREMISES. Except as provided under ss. 125.07 (3) (a) 10. and 125.51 (10), no premises
3 operated under a "Class A" or "Class C" license or under a "Class B" license or permit
4 may be open for business, and no person who holds a brewer's permit, manufacturer's
5 or rectifier's permit, or winery permit may allow the sale or provision of taste samples
6 of intoxicating liquor on the brewery premises, manufacturing or rectifying premises
7 as provided in s. 125.52 (1) (b) 2., winery premises, or any retail outlet operated by
8 the brewer, manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or
9 125.53 (3), unless there is upon the premises either the licensee or permittee, the
10 agent named in the license or permit if the licensee or permittee is a corporation or
11 limited liability company, or some person who has an operator's license and who is
12 responsible for the acts of all persons selling or serving any intoxicating liquor to
13 customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c)
14 is valid outside the municipality that issues it. For the purpose of this subsection,
15 any person holding a manager's license issued under s. 125.18 or any member of the
16 licensee's or permittee's immediate family who has attained the age of 18 shall be
17 considered the holder of an operator's license. No person, ~~including a member of the~~
18 ~~licensee's or permittee's immediate family~~, other than the licensee, permittee, or
19 agent may serve or sell alcohol beverages in any place operated under a "Class A" or
20 "Class C" license or under a "Class B" license or permit, or serve or sell intoxicating
21 liquor on brewery premises, manufacturing or rectifying premises, winery premises,
22 or any retail outlet operated by a brewer, manufacturer, rectifier, or winery under s.
23 125.29 (7), 125.52 (4), or 125.53 (3), unless he or she has an operator's license, is
24 considered to have an operator's license under this subsection, or is at least 18 years
25 of age and is under the immediate supervision of the licensee, permittee, or agent or

1 a person holding an operator's license, who is on the premises at the time of the
2 service.

3 **SECTION 26jt.** 125.68 (2) of the statutes, as affected by 2023 Wisconsin Act
4 (this act), is amended to read:

5 125.68 (2) OPERATORS' LICENSES AND PERMITS; "CLASS A," "CLASS B," "CLASS C," AND
6 OTHER PREMISES. Except as provided under ss. 125.07 (3) (a) 10. and 125.51 (10), no
7 premises operated under a "Class A" or "Class C" license or under a "Class B" license
8 or permit may be open for business, and no person who holds a brewer's permit,
9 manufacturer's or rectifier's permit, or winery permit may allow the sale or provision
10 of taste samples of intoxicating liquor on the brewery premises, manufacturing or
11 rectifying premises, winery premises, or any retail outlet operated by the brewer,
12 manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless
13 there is upon the premises either the licensee or permittee, the agent named in the
14 license or permit if the licensee or permittee is a corporation or limited liability
15 company, or some person who has an operator's license or operator's permit and who
16 is responsible for the acts of all persons selling or serving any intoxicating liquor to
17 customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c)
18 is valid outside the municipality that issues it. For the purpose of this subsection,
19 any person holding a manager's license issued under s. 125.18 or any member of the
20 licensee's or permittee's immediate family who has attained the age of 18 shall be
21 considered the holder of an operator's license. No person other than the licensee,
22 permittee, or agent may serve or sell alcohol beverages in any place operated under
23 a "Class A" or "Class C" license or under a "Class B" license or permit, or serve or sell
24 intoxicating liquor on brewery premises, manufacturing or rectifying premises,
25 winery premises, or any retail outlet operated by a brewer, manufacturer, rectifier,

1 or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless he or she has an
2 operator's license or operator's permit, is considered to have an operator's license
3 under this subsection, or is at least 18 years of age and is under the immediate
4 supervision of the licensee, permittee, or agent or a person holding an operator's
5 license or operator's permit, who is on the premises at the time of the service.

6 **SECTION 26ju.** 125.68 (4) (c) 1. of the statutes is amended to read:

7 125.68 (4) (c) 1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises
8 for which a "Class B" license or permit or a "Class C" license has been issued may
9 remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided
10 in this subdivision and subd. 4. On January 1 premises operating under a "Class B"
11 license or permit are not required to close. On Saturday and Sunday, no premises
12 may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that
13 daylight saving time begins as specified in s. 175.095 (2), no premises may remain
14 open between 3:30 a.m. and 6 a.m. ~~This subdivision does not apply to a "Class B"~~
15 ~~license issued to a winery under s. 125.51 (3) (am).~~

16 **SECTION 26jv.** 125.68 (4) (c) 3. of the statutes is amended to read:

17 125.68 (4) (c) 3. Between 12 midnight and 6 a.m. no person may sell
18 intoxicating liquor on "Class B" licensed premises in an original unopened package,
19 container or bottle or for consumption away from the premises or on "Class C"
20 licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body
21 may, by ordinance, impose more restrictive hours than are provided in this
22 subdivision except with respect to the sale of intoxicating liquor authorized under s.
23 125.51 (3r) (a). ~~This subdivision does not apply to a "Class B" license issued to a~~
24 ~~winery under s. 125.51 (3) (am).~~

25 **SECTION 26jw.** 125.68 (4) (c) 3m. of the statutes is repealed.

1 **SECTION 26x.** 125.68 (9) (f) of the statutes is amended to read:

2 125.68 **(9)** (f) Every person manufacturing, rectifying or blending intoxicating
3 liquor sold in this state shall provide the ~~department~~ division with the names,
4 brands, descriptions, alcoholic content by volume and any other information about
5 the intoxicating liquor required by the ~~department~~ division. Information required
6 by this paragraph shall be submitted prior to placing any new blend on the market.
7 The ~~department~~ division may also require by rule that samples of new products be
8 submitted for examination and analysis.

9 **SECTION 26jy.** 125.68 (10) (a) and (b) of the statutes are amended to read:

10 125.68 **(10)** (a) Except as provided in ~~s. ss. 125.23 and~~ 125.535, no intoxicating
11 liquor may be shipped into this state unless consigned to a person holding a
12 wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier
13 in another state holding a permit under s. 125.58, consigned to a person holding a
14 manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s.
15 125.53.

16 (b) Except as provided in ~~s. ss. 125.23 and~~ 125.535, no common carrier or other
17 person may transport into and deliver within this state any intoxicating liquor
18 unless it is consigned to a person holding a wholesaler's permit under s. 125.54 or,
19 if shipped from a manufacturer or rectifier in another state holding a permit under
20 s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under
21 s. 125.52 or a winery permit under s. 125.53. Any common carrier violating this
22 paragraph shall forfeit \$100 for each violation.

23 **SECTION 26kc.** 125.69 (1) of the statutes is repealed and recreated to read:

1 125.69 (1) INTEREST RESTRICTIONS. (a) Subject to s. 125.20 (6), a manufacturer's
2 or rectifier's permit under s. 125.52 may not be issued to any person who holds, or
3 has an interest in a licensee or permittee holding, any of the following:

4 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under
5 s. 125.51 (2).

6 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.
7 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

8 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under
9 s. 125.51 (5).

10 4. A wholesaler's permit issued under s. 125.28 or 125.54.

11 (b) Subject to s. 125.20 (6), a winery permit under s. 125.53 may not be issued
12 to any person who holds, or has an interest in a licensee or permittee holding, any
13 of the following:

14 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under
15 s. 125.51 (2).

16 2. A Class "B" license issued under s. 125.26, "Class B" license issued under s.
17 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

18 3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under
19 s. 125.51 (5).

20 4. A wholesaler's permit issued under s. 125.28 or 125.54.

21 (c) Subject to s. 125.20 (6), a wholesaler's permit under s. 125.54 may not be
22 issued to any person who holds, or has an interest in a licensee or permittee holding,
23 any of the following:

24 1. A Class "A" license issued under s. 125.25 or "Class A" license issued under
25 s. 125.51 (2).

1 2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.
2 125.51 (3), or “Class C” license issued under s. 125.51 (3m).

3 3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under
4 s. 125.51 (5).

5 4. A brewer’s permit issued under s. 125.29.

6 5. A brewpub permit issued under s. 125.295.

7 6. A winery permit issued under s. 125.53.

8 7. A manufacturer’s or rectifier’s permit issued under s. 125.52.

9 8. An out-of-state shipper’s permit issued under s. 125.30 or 125.58.

10 (d) Subject to s. 125.20 (6), an out-of-state shipper’s permit under s. 125.58
11 may not be issued to any person who holds, or has an interest in a licensee or
12 permittee holding, any of the following:

13 1. A Class “A” license issued under s. 125.25 or “Class A” license issued under
14 s. 125.51 (2).

15 2. A Class “B” license issued under s. 125.26, “Class B” license issued under s.
16 125.51 (3), or “Class C” license issued under s. 125.51 (3m).

17 3. A Class “B” permit issued under s. 125.27 or “Class B” permit issued under
18 s. 125.51 (5).

19 4. A wholesaler’s permit issued under s. 125.28 or 125.54.

20 (e) Subject to s. 125.20 (6), a “Class A” license may not be issued to any person
21 who holds, or has an interest in a permittee holding, any of the following:

22 1. A wholesaler’s permit issued under s. 125.28 or 125.54.

23 2. A brewer’s permit issued under s. 125.29.

24 3. A brewpub permit issued under s. 125.295.

25 4. A winery permit issued under s. 125.53.

1 5. A manufacturer's or rectifier's permit issued under s. 125.52.

2 6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

3 (f) Subject to s. 125.20 (6), a "Class B" license or permit or "Class C" license may
4 not be issued to any person who holds, or has an interest in a permittee holding, any
5 of the following:

6 1. A wholesaler's permit issued under s. 125.28 or 125.54.

7 2. A brewer's permit issued under s. 125.29.

8 3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. e., and (3) (c), a brewpub
9 permit issued under s. 125.295.

10 4. A winery permit issued under s. 125.53.

11 5. A manufacturer's or rectifier's permit issued under s. 125.52.

12 6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

13 **SECTION 26ke.** 125.69 (1) (a) 5., (b) 5m., (c) 9. and (d) 5. of the statutes are
14 created to read:

15 125.69 (1) (a) 5. A no-sale event venue permit issued under s. 125.24.

16 (b) 5m. A no-sale event venue permit issued under s. 125.24.

17 (c) 9. A no-sale event venue permit issued under s. 125.24.

18 (d) 5. A no-sale event venue permit issued under s. 125.24.

19 **SECTION 26kg.** 125.69 (4) (e) of the statutes is amended to read:

20 125.69 (4) (e) *Costs.* The cost of administering this subsection shall be charged
21 to the manufacturer, rectifier and wholesaler permittees. The department division
22 shall determine the costs and shall establish the procedure for apportioning the cost
23 against the permittees and provide for the method of payment to the department
24 division.

25 **SECTION 26ki.** 125.69 (7) of the statutes is amended to read:

1 125.69 (7) LICENSE OR PERMIT REVOCATION. The violation of sub. (1), (3) or (5),
2 or s. 125.20 (5) (d) as it relates to sub. (1), is sufficient cause for the revocation of the
3 license or permit of any licensee or permittee receiving the benefit from the
4 prohibited act as well as the revocation of the license or permit of the licensee or
5 permittee committing the prohibited act.

6 **SECTION 26km.** 125.69 (9) of the statutes is created to read:

7 125.69 (9) PROVIDING TASTE SAMPLES ON RETAIL PREMISES. (a) Subject to par. (e),
8 with the consent of the “Class A,” “Class B,” or “Class C” licensee, a winery,
9 manufacturer, or rectifier may provide, free of charge, on “Class A,” “Class B,” or
10 “Class C” premises, taste samples of intoxicating liquor to any person who has
11 attained the legal drinking age for consumption on the premises between the hours
12 of 11 a.m. and 7 p.m.

13 (b) A taste sample of wine may not exceed 3 fluid ounces and a person may not
14 receive more than 2 taste samples of wine per day. A taste sample of intoxicating
15 liquor other than wine may not exceed 0.5 fluid ounces and a person may receive not
16 more than one taste sample of such intoxicating liquor per day.

17 (c) A winery, manufacturer, or rectifier may provide taste samples of any
18 intoxicating liquor purchased from the retail licensee or of any intoxicating liquor the
19 winery, manufacturer, or rectifier produced on premises covered by its winery
20 permit, manufacturer’s permit, or rectifier’s permit and brings to the retail premises,
21 but the winery, manufacturer, or rectifier may not leave at the retail premises any
22 unused intoxicating liquor not purchased from the retail licensee.

23 (d) Any representative of a manufacturer, rectifier, or winery issued a permit
24 under s. 125.52 or 125.53 may assist the retail licensee in dispensing or serving the
25 taste samples.

1 (e) This subsection authorizes taste samples only of wine on “Class C” licensed
2 premises.”.

3 **17.** Page 19, line 8: after that line insert:

4 **“SECTION 40b.** 139.01 (2p) of the statutes is created to read:

5 139.01 (2p) “Division” means the division of alcohol beverages in the
6 department.

7 **SECTION 40c.** 139.01 (4) of the statutes is amended to read:

8 139.01 (4) “License,” and “fermented malt beverages” have the same meaning
9 as in s. 125.02, and “licensed premises” are premises described in licenses and
10 permits issued by the department division, cities, villages, or towns under the
11 authority of said section.

12 **SECTION 40d.** 139.01 (4) of the statutes, as affected by 2023 Wisconsin Act ...
13 (this act), section 40c, is amended to read:

14 139.01 (4) “License,” and “fermented malt beverages” have the same meaning
15 as in s. 125.02, and “licensed premises” are premises described in licenses and
16 permits issued by the division, cities, villages, or towns under the authority of said
17 section, other than a permit issued under s. 125.175.

18 **SECTION 40e.** 139.01 (4) of the statutes, as affected by 2023 Wisconsin Act ...
19 (this act), section 40d, is amended to read:

20 139.01 (4) “License,” and “fermented malt beverages” have the same meaning
21 as in s. 125.02, and “licensed premises” are premises described in licenses and
22 permits issued by the division, cities, villages, or towns under the authority of said
23 section, other than a permit permits issued under s. ss. 125.175 and 125.24.

24 **SECTION 40f.** 139.01 (6) of the statutes is amended to read:

1 139.01 (6) A “rectifier” is a person who rectifies, purifies or refines distilled
2 spirits or wines by any process other than by original and continuous distillation
3 from mash, wort or wash, through continuous closed vessels or pipes, until the
4 manufacture thereof is complete, or who has in his or her possession any still or leach
5 tub or keeps any other apparatus for the purpose of refining in any manner distilled
6 spirits or the other liquors, or who after rectifying and purifying distilled spirits, by
7 mixing such spirits or liquors with any materials, manufactures any spurious,
8 imitation or compound liquors for sale, and any person who, without rectifying,
9 purifying or refining distilled spirits, by mixing such spirits with any materials,
10 manufactures any spurious, imitation or compound liquors for sale under the name
11 of “whiskey,” “brandy,” “gin,” “rum,” “spirits,” “cordials” or any other name, and who
12 is also a distiller or is under substantially the same management or control as a
13 distiller. A rectifier may sell at wholesale intoxicating liquors rectified by him or her
14 without any other license than that of a rectifier. “Rectifier” does not include a “Class
15 B” licensee that prepares, stores, or dispenses mixed drinks in advance of sale in
16 compliance with s. 125.51 (3) (bg).

17 **SECTION 40g.** 139.03 (5) (a) of the statutes is amended to read:

18 139.03 (5) (a) No person who enters this state from another state may have in
19 his or her possession and bring into the state any intoxicating liquor or wine. The
20 prohibition in this paragraph does not apply to a person who changes his or her
21 domicile from another state or a foreign country to this state and who brings into this
22 state intoxicating liquor and wine constituting household goods. The prohibition in
23 this paragraph does not apply to intoxicating liquor or wine consigned to any person
24 having a permit from the secretary division to engage in the sale of such intoxicating
25 liquor or wine.

1 **SECTION 40h.** 139.04 (4) of the statutes is amended to read:

2 139.04 (4) Sale or shipment of fermented malt beverages by a brewer to a
3 bottler or between brewers, or of intoxicating liquor, whether in bulk or any state of
4 packaging, between manufacturers, rectifiers, and wineries.

5 **SECTION 40i.** 139.06 (3) of the statutes is amended to read:

6 139.06 (3) In shipping intoxicating liquor, whether in bulk ~~for the purpose of~~
7 ~~bottling or rectifying to a rectifier located within the state~~ or in any state of
8 packaging, to a manufacturer or rectifier holding a permit under s. 125.52, the
9 manufacturer or rectifier shall securely affix thereto a label or statement, in such
10 form as is prescribed by the secretary, reciting that the shipment is ~~made for the~~
11 ~~purpose of bottling or rectifying~~ a tax-exempt transfer between producers as
12 authorized under s. 139.04 (4). Each manufacturer or rectifier making such
13 shipments shall file an information report that shows the dates and quantities of
14 shipments and the name and address of each consignee.

15 **SECTION 40j.** 139.08 (3) of the statutes is amended to read:

16 139.08 (3) POLICE POWERS. The department ~~of revenue~~ shall enforce and the
17 duly authorized employees of the department shall have all necessary police powers
18 to prevent violations of s. 134.65, and this subchapter ~~and ch. 125~~.

19 **SECTION 40k.** 139.08 (4) of the statutes is amended to read:

20 139.08 (4) INSPECTION FOR ENFORCEMENT. Duly authorized employees of the
21 department of justice and the department of revenue and any sheriff, police officer,
22 marshal, or constable, within their respective jurisdictions, may at all reasonable
23 hours enter any licensed premises, and examine the books, papers, and records of
24 any brewer, brewpub, manufacturer, bottler, rectifier, wholesaler, or retailer, for the
25 purpose of inspecting the same and determining whether the tax and fee imposed by

1 ss. 139.01 to 139.25 have been fully paid, and may inspect and examine, according
2 to law, any premises where fermented malt beverages or intoxicating liquors are
3 manufactured, sold, exposed for sale, possessed, or stored, for the purpose of
4 inspecting the same and determining whether the tax imposed by ss. 139.01 to
5 139.25 has been fully paid, and whether ss. 139.01 to 139.25 ~~and ch. 125~~ are being
6 complied with. Any refusal to permit such examination of such premises is sufficient
7 grounds under s. 125.12 for revocation or suspension of any license or permit granted
8 for the sale of any fermented malt beverages or intoxicating liquors and is punishable
9 under s. 139.25 (10).

10 **SECTION 40m.** 139.08 (5) of the statutes is created to read:

11 139.08 (5) RETENTION OF CERTAIN RECORDS. Notwithstanding any retention
12 schedule established for the department's records under s. 16.61, the department
13 shall retain for 3 years after receipt by the department all reports submitted to the
14 division under ss. 125.22 (2) and 125.23 (5) and all records received by the division
15 relating to these reports.

16 **SECTION 40n.** 139.11 (1) of the statutes is amended to read:

17 139.11 (1) PRESERVATION OF RECORDS. Every person who manufactures,
18 rectifies, distributes, imports, transports, stores, warehouses, or sells intoxicating
19 liquor or fermented malt beverages shall keep complete and accurate records of all
20 such liquor or malt beverages purchased, sold, manufactured, rectified, brewed,
21 fermented, distilled, produced, stored, warehoused, imported, or transported within
22 this state. Such records shall be of a kind and in the form prescribed by the secretary
23 and shall be safely preserved to ensure accessibility for inspection by the secretary
24 or by the division as provided in s. 125.025 (3). A person required to keep records
25 under this subsection may keep such records in electronic form only.

1 **SECTION 40o.** 139.11 (1) of the statutes, as affected by 2023 Wisconsin Act ...
2 (this act), is amended to read:

3 **139.11 (1) PRESERVATION OF RECORDS.** Every person who manufactures,
4 rectifies, distributes, imports, transports, stores, warehouses, or sells intoxicating
5 liquor or fermented malt beverages shall keep complete and accurate records of all
6 such liquor or malt beverages purchased, sold, manufactured, rectified, brewed,
7 fermented, distilled, produced, stored, warehoused, imported, or transported within
8 this state. Such records shall be of a kind and in the form prescribed by the secretary
9 and shall be safely preserved to ensure accessibility for inspection by the secretary
10 or by the division as provided in s. 125.025 (3). A person required to keep records
11 under this subsection may keep such records in electronic form only. Any common
12 carrier or fulfillment house required to submit reports under s. 125.22 or 125.23 shall
13 maintain, for 3 years, all records related to the reports or otherwise required to be
14 kept under this subsection.”.

15 **18.** Page 19, line 15: after that line insert:

16 “**SECTION 41b.** 139.11 (4) (a) 2. of the statutes is amended to read:

17 **139.11 (4) (a) 2.** A current list, available on paper and on the department’s
18 Internet site, providing detailed information regarding every person issued a
19 wholesalers permit under s. 125.28, brewers permit under s. 125.29, brewpub permit
20 under s. 125.295, or out-of-state shippers permit under s. 125.30. The information
21 provided under this subdivision shall include the name and address of the permit
22 holder and the date on which the ~~department~~ division issued the permit.

23 **SECTION 41c.** 139.11 (4) (b) 2. of the statutes is amended to read:

1 139.11 (4) (b) 2. A current and regularly updated list, made available on paper
2 and on the department's Internet website, of permit holders that minimally includes
3 detailed information on the name, address, contact person, and date of permit
4 issuance for every common carrier permit issued under s. 125.22, fulfillment house
5 permit issued under s. 125.23, manufacturer's and rectifier's permit issued under s.
6 125.52, winery permit issued under s. 125.53, direct wine shipper's permit issued
7 under s. 125.535, wholesaler's permit issued under s. 125.54, and out-of-state
8 shipper's permit issued under s. 125.58.

9 **SECTION 41d.** 139.22 of the statutes is amended to read:

10 **139.22 Confiscation.** If a duly authorized employee of the department of
11 revenue or the department of justice or any sheriff, police officer, marshal, or
12 constable, within his or her respective jurisdiction, discovers any fermented malt
13 beverages upon any premises other than the premises of a brewer, brewpub, or
14 bottler, or any intoxicating liquor upon any premises other than the premises of a
15 manufacturer, rectifier, winery, or wholesaler, and upon which the tax has not been
16 paid or which was possessed, kept, stored, manufactured, sold, distributed, or
17 transported in violation of ss. 139.01 to 139.25 ~~and ch. 125~~, the employee or any such
18 officer may immediately seize the fermented malt beverages or intoxicating liquors.
19 Any such fermented malt beverages or intoxicating liquors so seized shall be held
20 transferred by the department of revenue to the division and disposed of under s.
21 125.14 (2) (e).

22 **SECTION 41e.** 139.25 (9) of the statutes is amended to read:

23 139.25 (9) FAILURE TO KEEP RECORDS. Failure to comply with s. 139.11 (1) shall
24 carry a penalty of revocation by the ~~secretary of revenue~~ division of the license or
25 permit.”.

1 **19.** Page 21, line 17: after that line insert:

2 “**SECTION 49c.** 185.043 (2) of the statutes is amended to read:

3 185.043 **(2)** If the cooperative is formed for purposes of operating as a small
4 winery cooperative wholesaler under s. 125.545, 3 or more individuals, at least one
5 of whom must be a resident and all of which must be owners of small wineries
6 certified by the division of alcohol beverages in the department of revenue under s.
7 125.545 (6) (a), may form a cooperative by signing, acknowledging, and filing articles.
8 Membership in a cooperative formed under this subsection is limited to small
9 wineries certified by the ~~department of revenue~~ division of alcohol beverages under
10 s. 125.545 (6) (a).

11 **SECTION 49d.** 185.043 (2) of the statutes, as affected by 2023 Wisconsin Act ...
12 (this act), is amended to read:

13 185.043 **(2)** If the cooperative is formed for purposes of operating as a small
14 ~~winery~~ cooperative wholesaler under s. 125.545, 3 or more individuals, at least one
15 of whom must be a resident and all of which must be owners of small wineries or
16 small manufacturers certified by the division of alcohol beverages in the department
17 of revenue under s. 125.545 (6) (a), may form a cooperative by signing,
18 acknowledging, and filing articles. Membership in a cooperative formed under this
19 subsection is limited to small wineries or small manufacturers certified by the
20 division of alcohol beverages under s. 125.545 (6) (a).

21 **SECTION 49e.** 227.52 (1) of the statutes is amended to read:

22 227.52 **(1)** Decisions of the department of revenue ~~other than decisions relating~~
23 ~~to alcohol beverage permits issued under ch. 125.~~

24 **SECTION 49f.** 230.08 (2) (e) 11. of the statutes is amended to read:

1 230.08 (2) (e) 11. Revenue — ~~7~~ 8.”.

2 **20.** Page 21, line 19: delete lines 19 to 25 and substitute:

3 “230.36 (1m) (b) 2. (intro.) A conservation warden, conservation patrol boat
4 captain, conservation patrol boat engineer, member of the state patrol, state motor
5 vehicle inspector, University of Wisconsin System police officer, security officer, or
6 security person, other state facilities police officer, special tax agent, ~~excise tax~~
7 ~~investigator~~ special agent employed by the department of revenue who is authorized
8 to act under s. 73.031, and special criminal investigation agent employed by the
9 department of justice at all times while.”.

10 **21.** Page 22, line 3: after that line insert:

11 “**SECTION 51m.** 346.657 (1) of the statutes, as affected by 2023 Wisconsin Act
12 9, is amended to read:

13 346.657 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.62
14 or 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or
15 (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
16 impose a safe ride program surcharge under ch. 814 in an amount of \$50 \$75 in
17 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under
18 ch. 814.”.

19 **22.** Page 24, line 21: after that line insert:

20 “**SECTION 64b.** Tax 8.87 of the administrative code is repealed.

21 **SECTION 64c. Nonstatutory provisions.**

22 (1) TRANSFER OF ALCOHOL BEVERAGES REGULATION AND ENFORCEMENT FUNCTIONS.

23 (a) *Definitions.* In this subsection:

24 1. “Department” means the department of revenue.

1 2. “Division” means the division of alcohol beverages in the department.

2 3. “Secretary” means the secretary of revenue.

3 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department primarily related to alcohol beverages regulation and
5 enforcement under ch. 125, as determined by the secretary, become the assets and
6 liabilities of the division.

7 (c) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department that is primarily
9 related to alcohol beverages regulation and enforcement under ch. 125, as
10 determined by the secretary, is transferred to the division.

11 (d) *Contracts.* All contracts entered into by the department in effect on the
12 effective date of this paragraph that are primarily related to alcohol beverages
13 regulation and enforcement under ch. 125, as determined by the secretary, remain
14 in effect and are transferred to the division. The division shall carry out any
15 obligations under those contracts unless modified or rescinded by the division to the
16 extent allowed under the contract.

17 (e) *Position and employee transfers.* On the effective date of this paragraph, all
18 positions, and the incumbent employees who hold those positions, in the department
19 with duties that are primarily related to alcohol beverages regulation and
20 enforcement under ch. 125, as determined by the secretary, are transferred to the
21 division.

22 (f) *Employee status.* Employees transferred under par. (e) have all the rights
23 and the same status under ch. 230 in the division that they enjoyed in the
24 department immediately before the transfer. Notwithstanding s. 230.28 (4), no

1 employee transferred under par. (e) who has attained permanent status in class is
2 required to serve a probationary period.

3 (g) *Rules and orders.* All rules promulgated by the department that relate to
4 alcohol beverages regulation and enforcement under ch. 125 and that are in effect
5 on the effective date of this paragraph remain in effect until their specified expiration
6 dates or until amended or repealed by the division. All orders issued by the
7 department that relate to alcohol beverages regulation and enforcement under ch.
8 125 and that are in effect on the effective date of this paragraph remain in effect until
9 their specified expiration dates or until modified or rescinded by the division.

10 (h) *Pending matters.* Any matter pending with the department on the effective
11 date of this paragraph that is primarily related to alcohol beverages regulation and
12 enforcement under ch. 125, as determined by the secretary, is transferred to the
13 division. All materials submitted to or actions taken by the department with respect
14 to the pending matters are considered as having been submitted to or taken by the
15 division.

16 (i) *Fees.* All fees established by the department related to permits issued under
17 ch. 125 that are in effect on the day before the effective date of this paragraph shall
18 remain in effect until modified or rescinded by the division.

19 (j) *Secretary to develop plan for orderly transfer.* The secretary shall develop
20 a plan for an orderly transfer from the department to the division and shall resolve
21 any disagreement between the department and the division with respect to any
22 matter specified in this subsection. The secretary's plan for orderly transfer shall
23 include the transfer of positions under par. (e) plus the transfer of a sufficient number
24 of currently vacant authorized FTE positions in the department to total 20.0 FTE
25 positions in the division as well as initial staffing assignments in the division.

1 (2) TRANSITION; PERMIT ISSUER. On the effective date of this subsection, any
2 permit issued by the department of revenue under ch. 125 prior to the effective date
3 of this subsection shall be considered to have been issued by the division of alcohol
4 beverages.

5 (3) EXPIRATION OF RETAIL LICENSES HELD BY PRODUCERS. Notwithstanding s.
6 125.04 (11) (b), any retail license issued under ch. 125 to a winery or a brewer shall
7 expire on the effective date of this subsection and the license shall be nonrenewable.

8 (4) RETAIL CLOSING HOUR EXCEPTION FOR 2024 NATIONAL POLITICAL CONVENTION.

9 (a) In this subsection:

10 1. “Convention period” means the period beginning on the first day of a national
11 political convention held in Milwaukee in the summer of 2024 until the day after the
12 convention’s last day.

13 2. “Municipality” has the meaning given in s. 125.02 (11).

14 3. “Southeast Wisconsin municipality” means a municipality any part of which
15 is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha,
16 Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du
17 Lac County.

18 (b) 1. Notwithstanding s. 125.32 (3) (a), but subject to subds. 2. and 3., during
19 the convention period, the closing hours for premises operating under a Class “B”
20 license issued by a southeast Wisconsin municipality shall be between 4 a.m. and 6
21 a.m.

22 2. A southeast Wisconsin municipality may establish a process to designate,
23 and may so designate, any licensee holding a license issued by the southeast
24 Wisconsin municipality and to which subd. 1. would otherwise apply as ineligible or
25 disqualified for the extended closing hour specified in subd. 1.

1 3. Notwithstanding s. 125.32 (3) (d), a southeast Wisconsin municipality may,
2 by ordinance adopted after the effective date of this subdivision, opt out of subd. 1.
3 and retain during the convention period the closing hours specified in s. 125.32 (3)
4 (a).

5 (c) 1. Notwithstanding s. 125.68 (4) (c) 1., but subject to subds. 2. and 3., during
6 the convention period, the closing hours for premises operating under a “Class B” or
7 “Class C” license issued by a southeast Wisconsin municipality shall be between 4
8 a.m. and 6 a.m.

9 2. A southeast Wisconsin municipality may establish a process to designate,
10 and may so designate, any licensee holding a license issued by the southeast
11 Wisconsin municipality and to which subd. 1. would otherwise apply as ineligible or
12 disqualified for the extended closing hour specified in subd. 1.

13 3. Notwithstanding s. 125.68 (4) (c) 5., a southeast Wisconsin municipality may,
14 by ordinance adopted after the effective date of this subdivision, opt out of subd. 1.
15 and retain during the convention period the closing hours specified in s. 125.68 (4)
16 (c) 1.

17 (d) 1. Notwithstanding ss. 125.29 (8) (a), 125.52 (5) (a), and 125.53 (4) (a), but
18 subject to subds. 2. and 3., during the convention period, the closing hours for a
19 full-service retail outlet under s. 125.29 (7), 125.52 (4), or 125.53 (3), and the
20 on-premises sales hours on brewery premises, manufacturing or rectifying
21 premises, and winery premises, operating in a southeast Wisconsin municipality
22 shall be between 4 a.m. and 6 a.m.

23 2. A southeast Wisconsin municipality may establish a process to designate,
24 and may so designate, premises in the municipality of any permittee under s. 125.29,

1 125.52, or 125.53 to which subd. 1. would otherwise apply as ineligible or disqualified
2 for the extended closing hour specified in subd. 1.

3 3. A southeast Wisconsin municipality may, by ordinance adopted after the
4 effective date of this subdivision, opt out of subd. 1. and retain during the convention
5 period the closing hours specified in ss. 125.29 (8) (a), 125.52 (5) (a), and 125.53 (4)
6 (a), as unaffected by par. (b).

7 (5m) TRANSITION; INITIAL IMPLEMENTATION AUTHORITY. The administrator of the
8 division of income, sales and excise tax in the department of revenue shall have
9 interim authority to undertake all measures necessary to implement the changes in
10 this act by the effective date of each change, including taking action in preparation
11 for the creation of a division of alcohol beverages and appointment of a division
12 administrator and bureau directors.

13 **SECTION 64d. Initial applicability.**

14 (1) SAFE RIDE SURCHARGE. The treatment of s. 346.657 (1) first applies to
15 violations committed on the effective date of this subsection.

16 (2) JURISDICTION OVER OUT-OF-STATE PERMITTEES. The treatment of s. 125.535 (3)
17 (b) 3., (c), (d), and (e), the renumbering of s. 125.58 (2), the renumbering and
18 amendment of s. 125.30 (3), the amendment of s. 125.30 (2), and the creation of ss.
19 125.30 (2) (d) and (3) (b) and 125.58 (2) (b) and (c) first apply with respect to permits
20 issued after the effective date of this subsection.”.

21 **23.** Page 24, line 22: delete “day” and substitute “first day of the 5th month
22 beginning”.

23 **24.** Page 25, line 2: after that line insert:

1 “(2m) DOR ENFORCEMENT; ALCOHOL VAPOR DEVICES. The treatment of ss. 40.02
2 (48) (am) 19. and (c), 71.78 (1), (1g), (4) (b) and (v), (5), and (6), 71.83 (6), 72.06, 73.03
3 (51b), 73.031, 77.61 (5) (am), (b) 2. and 15., (c), and (d), 78.80 (3), 125.02 (1c), 125.09
4 (8), 134.65 (1a), 139.11 (4) (a) (intro.), 139.38 (6), 139.44 (2), (2m), (8) (a), (am), (b),
5 (c), and (d), 139.82 (6), 230.36 (1m) (b) 2. (intro.) and (2m) (a) 9., 565.01 (6c), 565.02
6 (9) (intro.), 565.17 (5) (a) and (d), 565.40 (title) and (4), 565.50 (2), (2m), (3), and (4),
7 and 946.82 (4), the renumbering of s. 565.02 (8) (e), and the renumbering and
8 amendment of s. 565.02 (8) (f) take effect on the day after publication.

9 (3m) TRANSITION; INITIAL IMPLEMENTATION AUTHORITY. SECTION 64c of this act
10 takes effect on the day after publication.

11 (4m) FULFILLMENT HOUSES AND COMMON CARRIERS. The treatment of ss. 125.02
12 (6d), 125.025 (3) (by SECTION 21m), 125.12 (5) (a) (by SECTION 25L), 125.22, 125.23,
13 125.535 (7), 125.68 (10) (a) and (b), 139.08 (5), 139.11 (1) (by SECTION 40o), and 139.11
14 (4) (b) 2. takes effect on the first day of the 13th month beginning after publication.

15 (5m) NEW PERMIT FEES. The treatment of s. 125.04 (8) (title), the renumbering
16 of s. 125.04 (8), and the creation of s. 125.04 (8) (b) take effect on the first day of the
17 13th month beginning after publication.

18 (6m) COOPERATIVE WHOLESALERS. The treatment of ss. 125.545 (title), (1) (a),
19 (ar), (cm), (d), (e), and (em), (2) (a) 1., 3. b., and 4., (b), and (c), (3) (a) 2. (by SECTION
20 26hc) and 2m., (b), and (c), (4), (6) (a) 1. (by SECTION 26hk), 2m., 3m., and 4. (by
21 SECTION 26hq), and (7) (by SECTION 26ht) and 185.043 (2) (by SECTION 49d) takes effect
22 on the first day of the 13th month beginning after publication.

23 (7m) OPERATOR'S PERMIT. The treatment of ss. 125.02 (14m) (by SECTION 21g),
24 125.04 (3) (a) (intro.) (by SECTION 21rm) and (5) (a) 5. (by SECTION 23h) and (d) 1., 2.,
25 and 3. a., 125.045 (2) (a) (by SECTION 24g), 125.06 (3g), 125.07 (3) (a) 10., 125.175,

1 125.26 (2m) and (2s) (b), 125.32 (2) (by SECTION 26dy), 125.51 (3) (bm) and (bs) 2.,
2 125.68 (2) (by SECTION 26jt), and 139.01 (4) (by SECTION 40d) takes effect on the first
3 day of the 13th month beginning after publication.

4 (8m) NO-FEE EVENT VENUE PERMITS; CONSUMPTION OF ALCOHOL IN PUBLIC PLACES.
5 The treatment of ss. 125.02 (14m) (by SECTION 21h), 125.09 (1) (b) and (c), 125.24,
6 125.51 (4) (v) 5., and 139.01 (4) (by SECTION 40e), the renumbering and amendment
7 of s. 125.09 (1), the amendment of ss. 125.04 (8) (b) and 125.20 (5) (c) and (d), and the
8 creation of ss. 125.28 (2) (b) 1. j., 125.29 (2) (a) 6., 125.295 (2) (a) 6. g., 125.30 (3) (c)
9 5., and 125.69 (1) (a) 5., (b) 5m., (c) 9., and (d) 5. take effect on the first day of the 25th
10 month beginning after publication.

11 (9m) ADMINISTRATIVE RULES. The repeal of s. Tax 8.87, Wis. Adm. Code, takes
12 effect as provided in s. 227.265.”

13 (END)