



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2513/1
ARG:ahe

2017 ASSEMBLY BILL 450

July 26, 2017 - Introduced by Representatives R. BROOKS and OHNSTAD, cosponsored by Senators STROEBEL and DARLING. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 125.272 and 125.51 (6); and *to create* 125.26 (2x), 125.27 (4),
2 125.51 (3) (bx) and 125.51 (5) (e) of the statutes; **relating to:** retail sales of
3 alcohol beverages at the Ozaukee County fairgrounds.

Analysis by the Legislative Reference Bureau

This bill allows a retailer to sell alcohol beverages off the retailer's licensed premises if the sale occurs at the Ozaukee County fairgrounds, the retailer is approved by the Ozaukee County Board of Supervisors, and the retailer's licensed premises are located in Ozaukee County.

Under current law, with exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class "B" license authorizes the retail sale of fermented malt beverages (beer) for consumption on or off the premises. A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to various restrictions, the retail sale of intoxicating liquor in original packages for consumption off the licensed premises. Intoxicating liquor includes wine and distilled spirits. Class "B" licenses and "Class B" licenses are issued by municipalities and are generally issued together for establishments such as restaurants, bars, and taverns. Class "B" and "Class B" licenses must particularly describe the premises where alcohol will be sold. Under limited circumstances, the Department of Revenue also issues Class "B" and "Class B" permits authorizing the retail sale of beer and intoxicating liquor. Alcohol may be sold at retail only in a face-to-face transaction with a consumer on the premises described in the retail license or permit.

ASSEMBLY BILL 450

This bill allows Class “B” licensees and permittees, and “Class B” licensees and permittees, to sell, respectively, beer and intoxicating liquor at specific locations within the Ozaukee County fairgrounds during special events held at the fairgrounds if the Ozaukee County board adopts a resolution approving the licensee or permittee and if the premises covered by the license or permit are located in Ozaukee County. The bill therefore authorizes, under these limited circumstances, these retailers to sell alcohol beverages off the premises covered by the retail license or permit, including allowing sales outside the municipality that issued a retail license.

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

1 **SECTION 1.** 125.26 (2x) of the statutes is created to read:

2 125.26 (2x) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in
3 addition to the authorization specified in sub. (1), a Class “B” license issued under
4 this section also authorizes the licensee to provide fermented malt beverages,
5 including their retail sale, at specific locations within the Ozaukee County
6 fairgrounds during special events held at the fairgrounds, if the Ozaukee County
7 board adopts a resolution approving the licensee and if the licensee’s Class “B”
8 licensed premises are located in Ozaukee County. Notwithstanding sub. (1), a
9 licensee may provide fermented malt beverages under this subsection at the
10 Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not
11 part of the licensee’s licensed premises, as described under sub. (3) in the licensee’s
12 Class “B” license, and even if the Ozaukee County fairgrounds are not located within
13 the municipality that issued the Class “B” license. A licensee that provides
14 fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the
15 fermented malt beverages were provided on the licensee’s Class “B” licensed
16 premises. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented
17 malt beverages to the Ozaukee County fairgrounds to a licensee approved by the

ASSEMBLY BILL 450

1 Ozaukee County board under this subsection and such an approved licensee may
2 transport fermented malt beverages from its licensed premises to the Ozaukee
3 County fairgrounds for purposes of selling the fermented malt beverages at the
4 Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County
5 or any person operating or managing the Ozaukee County fairgrounds to sell
6 fermented malt beverages at retail or to procure or stock fermented malt beverages
7 for purposes of retail sale.

8 **SECTION 2.** 125.27 (4) of the statutes is created to read:

9 125.27 (4) ADDITIONAL SALES AUTHORITY FOR PERMITTEES. Notwithstanding subs.
10 (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
11 to the authorization specified in sub. (1), (2), or (3), a Class “B” permit issued under
12 this section also authorizes the permittee to provide fermented malt beverages,
13 including their retail sale, at specific locations within the Ozaukee County
14 fairgrounds during special events held at the fairgrounds, if the Ozaukee County
15 board adopts a resolution approving the permittee and if the premises covered by the
16 Class “B” permit are located in Ozaukee County. Notwithstanding subs. (1), (2), and
17 (3), a permittee may provide fermented malt beverages under this subsection at the
18 Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not
19 part of the premises described in the permit. A permittee that provides fermented
20 malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented
21 malt beverages were provided on the premises covered by the Class “B” permit.
22 Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt
23 beverages to the Ozaukee County fairgrounds to a permittee approved by the
24 Ozaukee County board under this subsection and such an approved permittee may
25 transport fermented malt beverages from the premises covered by the permit to the

ASSEMBLY BILL 450**SECTION 2**

1 Ozaukee County fairgrounds for purposes of selling the fermented malt beverages
2 at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee
3 County or any person operating or managing the Ozaukee County fairgrounds to sell
4 fermented malt beverages at retail or to procure or stock fermented malt beverages
5 for purposes of retail sale.

6 **SECTION 3.** 125.272 of the statutes is amended to read:

7 **125.272 Face-to-face retail sales.** Except as provided in ~~s.~~ ss. 125.26 (2m)
8 ~~and, (2s), and (2x) and 125.27 (4)~~ and except with respect to caterers, a retail license
9 issued under s. 125.25 or 125.26, and a retail permit issued under s. 125.27,
10 authorizes only face-to-face sales to consumers at the premises described in the
11 retail license or permit.

12 **SECTION 4.** 125.51 (3) (bx) of the statutes is created to read:

13 125.51 (3) (bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in
14 addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class
15 B” license issued under sub. (1) also authorizes the licensee to provide intoxicating
16 liquor, including its retail sale, at specific locations within the Ozaukee County
17 fairgrounds during special events held at the fairgrounds, if the Ozaukee County
18 board adopts a resolution approving the licensee and if the licensee’s “Class B”
19 licensed premises are located in Ozaukee County. Notwithstanding pars. (a) and (b)
20 and sub. (1) (a), a licensee may provide intoxicating liquor under this paragraph at
21 the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are
22 not part of the licensee’s licensed premises, as described under par. (d) in the
23 licensee’s “Class B” license, and even if the Ozaukee County fairgrounds are not
24 located within the municipality that issued the licensee’s “Class B” license. A
25 licensee that provides intoxicating liquor under this paragraph is subject to s. 125.68

ASSEMBLY BILL 450

1 (2) as if the intoxicating liquor were provided on the licensee's "Class B" licensed
2 premises. This paragraph does not authorize Ozaukee County or any person
3 operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor
4 at retail or to procure or stock intoxicating liquor for purposes of retail sale.

5 **SECTION 5.** 125.51 (5) (e) of the statutes is created to read:

6 125.51 (5) (e) *Additional sales authority for permittees.* Notwithstanding pars.
7 (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
8 to the authorization specified in par. (a), (b), (c), or (d), a "Class B" permit issued
9 under this subsection also authorizes the permittee to provide intoxicating liquor,
10 including its retail sale, at specific locations within the Ozaukee County fairgrounds
11 during special events held at the fairgrounds, if the Ozaukee County board adopts
12 a resolution approving the permittee and if the premises covered by the "Class B"
13 permit are located in Ozaukee County. Notwithstanding pars. (a), (b), (c), and (d),
14 a permittee may provide intoxicating liquor under this paragraph at the Ozaukee
15 County fairgrounds even though the Ozaukee County fairgrounds are not part of the
16 premises described in the permit. A permittee that provides intoxicating liquor
17 under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were
18 provided on the premises covered by the "Class B" permit. This paragraph does not
19 authorize Ozaukee County or any person operating or managing the Ozaukee
20 County fairgrounds to sell intoxicating liquor at retail or to procure or stock
21 intoxicating liquor for purposes of retail sale.

22 **SECTION 6.** 125.51 (6) of the statutes is amended to read:

23 125.51 (6) **FACE-TO-FACE RETAIL SALES.** Except as provided in ~~sub.~~ subs. (3) (bm)
24 ~~and, (bs), and (bx) and (5) (e)~~ and except with respect to caterers, a retail license or

ASSEMBLY BILL 450

SECTION 6

1 permit issued under this section authorizes only face-to-face sales to consumers at
2 the premises described in the retail license or permit.

3 (END)