



2011 SENATE BILL 328

December 8, 2011 – Introduced by Senator LASEE, cosponsored by Representatives BIES, A. OTT, STONE, STEINEKE, BALLWEG, BROOKS and TAUCHEN. Referred to Committee on Workforce Development, Small Business, and Tourism.

1 **AN ACT** *to amend* 125.53 (1), 125.69 (1) (a) and 125.69 (1) (b) 4. of the statutes;
2 **relating to:** retail licenses held by wineries.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a winery holding a winery permit from having a direct or indirect interest in a “Class A” or “Class B” retail license or establishment. However, a winery may hold one retail license, which may be either a “Class A” retail license or a “Class B” retail license. A “Class A” license authorizes the retail sale of intoxicating liquor (wine and distilled spirits) for consumption off the premises in original packages and containers. A “Class B” license issued to a winery authorizes the retail sale of wine to be consumed by the glass or in opened containers on the licensed premises and authorizes the retail sale of wine in the original package or container to be consumed off the licensed premises.

This bill authorizes a winery to hold up to six retail licenses, which may be “Class A” licenses or “Class B” licenses or a combination of “Class A” and “Class B” licenses.

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

3 **SECTION 1.** 125.53 (1) of the statutes is amended to read:
4 125.53 (1) The department shall issue only to a manufacturing winery in this
5 state that holds a valid certificate issued under s. 73.03 (50) a winery permit

SENATE BILL 328**SECTION 1**

1 authorizing the manufacture and bottling of wine on the premises covered by the
2 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also
3 authorizes the permittee to, on the winery premises and without obtaining a
4 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to
5 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding
6 a permit under this section may offer on the premises taste samples of wine
7 manufactured on the premises to persons who have attained the legal drinking age.
8 A permittee under this section may also ~~have either one~~ hold "Class A" license ~~or one~~
9 ~~or "Class B" license, but not both.~~ The licenses, or a combination of "Class A" and
10 "Class B" licenses, not exceeding a total of 6 such licenses for each winery permit.
11 Any "Class A" license or "Class B" license may ~~either~~ be issued for the winery
12 premises or for real estate owned or leased by the winery. If a "Class A" or "Class B"
13 ~~liquor retail~~ license has also been issued to the winery, the winery may provide wine
14 manufactured, mixed, or blended on the winery premises directly to the "Class A" or
15 "Class B" premises and may offer the taste samples on the "Class A" or "Class B"
16 premises.

17 **SECTION 2.** 125.69 (1) (a) of the statutes is amended to read:

18 125.69 (1) (a) No intoxicating liquor manufacturer, rectifier, winery,
19 out-of-state shipper permittee, or wholesaler may hold any direct or indirect
20 interest in any "Class A" license or establishment and no "Class A" licensee may hold
21 any direct or indirect interest in a wholesale permit or establishment, except that a
22 winery that has a permit under s. 125.53 may have an ownership interest in a "Class
23 A" license to the extent authorized under s. 125.53 (1) and a person may hold a "Class
24 A" license and both a winery permit under s. 125.53 and a manufacturer's or
25 rectifier's permit under s. 125.52 and may make retail sales and provide taste

SENATE BILL 328

1 samples as authorized under ~~the~~ each “Class A” license and ss. 125.06 (13) and
2 125.52 (1) (b) 2.

3 **SECTION 3.** 125.69 (1) (b) 4. of the statutes is amended to read:

4 125.69 (1) (b) 4. A winery that has a permit under s. 125.53 may have an
5 ownership interest in a “Class B” license issued under s. 125.51 (3) (am), to the extent
6 authorized under s. 125.53 (1), and a person may hold a “Class B” license and both
7 a winery permit under s. 125.53 and a manufacturer’s or rectifier’s permit under s.
8 125.52 and may make retail sales and provide taste samples as authorized under ~~the~~
9 each “Class B” license and s. 125.52 (1) (b) 2.

10 (END)