



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2007 Wisconsin Act 164**  
[2007 Assembly Bill 246]

**Identification for Purposes of  
Purchasing Alcohol Beverages**

Under *current law*, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not legally purchase, possess, or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. Also, no person (including a licensee or permittee) may procure for, sell, dispense, or give away alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age.

Under current law, an “official identification card,” recognized in this state for purposes related to alcohol beverages, is limited to a valid driver’s license issued by the Department of Transportation (DOT) that contains the person’s photograph, an identification card issued by DOT (which must contain the person’s photograph), or a certain identification card issued through the Department of Administration before January 1, 1990. However, no provision of current law requires a person to present, or a seller of alcohol beverages to examine, an “official identification card” in connection with the purchase and sale of alcohol beverages or with the entry of the person onto a licensed premises.

Current law imposes penalties for sales of alcohol beverages to underage persons and for allowing underage persons to be present on licensed premises and allows alcohol beverage sellers to assert a defense in underage violation prosecutions based upon various factors, including a person’s representation supported by documentation that the person was not underage.

Current law also specifies that, in place of an “official identification card,” “documentary proof of age” may be substituted (but does not define “documentary proof”).

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

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(OVER)

**Act 164:**

1. Expands the definition of “official identification card” to include: (a) a ***valid military identification card*** that contains the person’s photograph and date of birth; and (b) a ***valid U.S. passport***.
2. Specifies that an alcohol beverages licensee or permittee may require a person to present an official identification card, documentary proof of age, an operator’s license issued by another jurisdiction, or any other form of identification or proof of age acceptable to the licensee or permittee before providing alcohol beverages to the person or allowing the person to enter the premises for which the license or permit has been issued.
3. Specifies that a licensee or permittee is not required to accept any form of identification that does not appear to be valid or authentic or appears altered.

***Effective Date:*** Act 164 takes effect on April 8, 2008.

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April 2, 2008

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