



1995 ASSEMBLY BILL 1021

March 13, 1996 - Introduced by Representatives BALDWIN, KLUSMAN, JENSEN, BALDUS and GROTHMAN, cosponsored by Senator PANZER. Referred to Joint survey committee on Tax Exemptions.

1 **AN ACT to renumber** 125.035 (2); **to amend** 125.035 (4) (a); and **to create**
2 125.035 (2) (b), 125.295 and 139.04 (10) of the statutes; **relating to:** creating
3 a permit that authorizes the furnishing of ingredients and equipment to be used
4 to manufacture fermented malt beverages on the permittee's premises, and
5 creating an occupational tax exemption.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from brewing fermented malt beverages (beer) for sale or transport, and from possessing and storing beer on the premises where brewed unless that person holds a brewer's permit issued by the department of revenue. However, no permit is required for a person to brew beer at home for personal consumption if the person receives no compensation. Also under current law, no person in charge of a public place may allow the consumption of beer on the premises unless that person holds a retail license or permit authorizing the consumption.

This bill creates a permit that authorizes the permittee to furnish ingredients and equipment for use on the permittee's premises by a person of legal drinking age to brew beer for consumption on or off the premises where brewed. The bill limits the volume of beer that any person may brew in a year, prohibits the sale of such beer and prohibits the permittee from physically assisting in the brewing. The bill also exempts beer that is brewed on the permittee's premises from the state occupational tax on brewing.

Also under current law, with certain exceptions, a person is immune from civil liability arising from the act of procuring beer for or selling, dispensing or giving away beer to another person. The bill grants civil immunity to a permittee for liability for any injury or property damage caused by a person who consumes beer on the premises where brewed. This civil immunity does not apply to a person who

knowingly allows the consumption of beer on premises under that person's control by a person who has not attained the legal drinking age.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.035 (2) of the statutes is renumbered 125.035 (2) (a).

2 **SECTION 2.** 125.035 (2) (b) of the statutes is created to read:

3 125.035 (2) (b) A person holding a permit issued under s. 125.295, and any
4 agent or employe of such a permittee, is immune from civil liability arising out of the
5 consumption of fermented malt beverages by another person on premises covered by
6 the permit.

7 **SECTION 3.** 125.035 (4) (a) of the statutes is amended to read:

8 125.035 (4) (a) In this subsection, "provider" means a person, including a
9 licensee or permittee, who procures alcohol beverages for or sells, dispenses or gives
10 away alcohol beverages to an underage person in violation of s. 125.07 (1) (a), or who
11 allows the consumption of alcohol beverages by an underage person in violation of
12 s. 125.07 (1) (a) on premises that are covered by a permit issued under s. 125.295 and
13 that are under that person's control.

14 **SECTION 4.** 125.295 of the statutes is created to read:

15 **125.295 Brew-on-premises permits.** (1) The department shall issue
16 brew-on-premises permits which authorize the permittee to provide ingredients
17 and equipment for use by a person who has attained the legal drinking age to
18 manufacture fermented malt beverages on the premises. A brew-on-premises
19 permit may be issued only to a person who holds a valid certificate issued under s.

1 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent
2 for or in the employ of another.

3 (2) (a) No permittee or agent or employe of a permittee may physically assist
4 in the manufacture, bottling or transport of the fermented malt beverages.

5 (b) No person may manufacture more than 100 gallons or, if 2 or more persons
6 of legal drinking age reside in that person's household, 200 gallons of fermented malt
7 beverages in any year on premises covered by a permit issued under this section. No
8 person may sell fermented malt beverages manufactured on premises covered by a
9 permit issued under this section.

10 (3) Notwithstanding s. 125.09 (1), a person in charge of premises covered by
11 a permit issued under this section may allow a person who has attained the legal
12 drinking age to consume fermented malt beverages on the premises if the fermented
13 malt beverages were manufactured on the premises.

14 **SECTION 5.** 139.04 (10) of the statutes is created to read:

15 139.04 (10) The removal for consumption of fermented malt beverages
16 manufactured on premises described in a permit issued under s. 125.295.

17 (END)