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2003 ASSEMBLY BILL 296

April 23, 2003 - Introduced by Representatives Staskunas, Berceau, Cullen, Albers and Stone. Referred to Committee on State Affairs.

1 AN ACT to amend 125.12 (2) (ag) 5. and 125.12 (4) (ag) 7. of the statutes; relating

to: revocations, suspensions, and refusals to renew a license or permit relating to alcohol beverages.

Analysis by the Legislative Reference Bureau

Under current law, a municipality or the Department of Revenue (DOR) generally may revoke, suspend, or refuse to renew any license or permit to manufacture, brew, distribute, or sell alcohol beverages if the licensee or permittee is not qualified to hold the license or permit, violates this state's laws regulating alcohol beverages, or commits specified offenses. An alcohol beverage license or permit may be revoked if the licensee or permittee has been convicted of unlawfully possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog, or of unlawfully manufacturing, distributing, or delivering a controlled substance or controlled substance analog.

This bill expands the offenses involving controlled substances or controlled substance analogs that may be considered by a municipality or DOR in deciding to revoke, suspend, or refuse to renew an alcohol beverage license or permit. Under the bill, an allegation that a license or permit holder has violated this state's Uniform Controlled Substances Act, or a substantially similar federal law or law of another state, may be considered in an action to revoke, suspend, or refuse to renew an alcohol beverage license or permit, even if there has been no conviction for the alleged violation. However, the allegation must be found to be true before it may provide a

ASSEMBLY BILL 296

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basis for revocation, suspension, or refusal to renew an alcohol beverage license or permit.

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

SECTION 1. 125.12 (2) (ag) 5. of the statutes is amended to read:

125.12 (2) (ag) 5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under violated ch. 961 or a substantially similar federal law or a substantially similar law of another state.

Section 2. 125.12 (4) (ag) 7. of the statutes is amended to read:

125.12 (4) (ag) 7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under violated ch. 961 or a substantially similar federal law or a substantially similar law of another state.

19 (END)