



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3867/1  
ARG:ahe

## 2017 SENATE BILL 366

August 3, 2017 - Introduced by Senators STROEBEL and DARLING, cosponsored by Representatives R. BROOKS and OHNSTAD. Referred to Committee on Government Operations, Technology and Consumer Protection.

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.

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### *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.

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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.

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*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

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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

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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.~~ 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

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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

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**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)