



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1378/1
ARG:cdc

2021 SENATE BILL 22

January 28, 2021 - Introduced by Senators FELZKOWSKI, BALLWEG, FEYEN, LARSON, RINGHAND, TESTIN, WIMBERGER, STROEBEL and ROYS, cosponsored by Representatives STEFFEN, ANDERSON, BROOKS, CALLAHAN, DITTRICH, HINTZ, HONG, KITCHENS, KNODL, MILROY, MOSES, MURPHY, MURSAU, L. MYERS, NEUBAUER, J. RODRIGUEZ, ROZAR, SCHRAA, SHANKLAND, SINICKI, SKOWRONSKI, SNODGRASS, SORTWELL, SUMMERFIELD, SWEARINGEN, VORPAGEL, VRUWINK, DRAKE and THIESFELDT. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT to amend** 125.51 (3) (a), 125.51 (3) (am) and 125.51 (3) (b); and **to create**
2 125.02 (20g) of the statutes; **relating to:** the retail sale of intoxicating liquor
3 by the glass for consumption away from the licensed premises.

Analysis by the Legislative Reference Bureau

This bill allows certain alcohol beverage retailers to sell intoxicating liquor by the glass for consumption away from the licensed premises if the retailer seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises.

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Except when issued to a winery, a "Class B" license authorizes the retail sale of intoxicating liquor, which includes wine and distilled spirits, by the glass for consumption on the licensed premises. A "Class B" license also authorizes the retail sale of wine, and of distilled spirits in municipalities that so authorize by ordinance, in original packages or containers for consumption off the licensed premises. "Class B" licenses are most commonly issued to taverns and restaurants. A "Class B" license issued to a winery authorizes only the sale of wine, not distilled spirits, by the glass for consumption on the licensed premises or in original packages or containers for consumption off the licensed premises.

This bill allows a "Class B" licensed retailer to sell intoxicating liquor by the glass for consumption off the licensed premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is

SENATE BILL 22

removed from the premises. The bill thus allows the retailer to sell, for example, mixed-drinks and glasses of wine to-go in sealed containers. The bill provides the same authority to a winery holding a “Class B” license, but only for wine.

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

1 **SECTION 1.** 125.02 (20g) of the statutes is created to read:

2 125.02 (20g) “Tamper-evident seal” means a device or material that is used to
3 securely and fully close off a container, with no perforations, in such a manner that
4 access to the contents of the container cannot be gained without showing evidence
5 of tampering.

6 **SECTION 2.** 125.51 (3) (a) of the statutes is amended to read:

7 125.51 (3) (a) A “Class B” license authorizes the retail sale of intoxicating liquor
8 ~~for consumption on the premises where sold by the glass and not in the original~~
9 ~~package or container~~ for consumption on the premises where sold or for consumption
10 off the premises if the licensee seals the container of intoxicating liquor with a
11 tamper-evident seal before the intoxicating liquor is removed from the premises. In
12 addition, wine may be sold in the original package or container in any quantity to be
13 consumed off the premises where sold. This paragraph does not apply in
14 municipalities in which the governing body elects to come under par. (b) or to a
15 winery that has been issued a “Class B” license. Paragraph (am) applies to all
16 wineries that have been issued a “Class B” license.

17 **SECTION 3.** 125.51 (3) (am) of the statutes is amended to read:

18 125.51 (3) (am) A “Class B” license issued to a winery authorizes the sale of
19 wine to be consumed by the glass or in opened containers ~~only~~ on the premises where
20 sold ~~and~~ or off the premises if the licensee seals the container of wine with a

SENATE BILL 22

1 tamper-evident seal before the wine is removed from the premises. The “Class B”
2 license also authorizes the sale of wine in the original package or container to be
3 consumed off the premises where sold, but does not authorize the sale of fermented
4 malt beverages or any intoxicating liquor other than wine.

5 **SECTION 4.** 125.51 (3) (b) of the statutes is amended to read:

6 125.51 (3) (b) In all municipalities electing by ordinance to come under this
7 paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be
8 consumed by the glass ~~only~~ on the premises where sold and or off the premises if the
9 licensee seals the container of intoxicating liquor with a tamper-evident seal before
10 the intoxicating liquor is removed from the premises. The “Class B” license also
11 authorizes the sale of intoxicating liquor in the original package or container, in any
12 quantity, to be consumed off the premises where sold. This paragraph does not apply
13 to a winery that has been issued a “Class B” license. Paragraph (am) applies to all
14 wineries that have been issued a “Class B” license.

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(END)