CHAPTER 125

ALCOHOL BEVERAGES

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NOTE: Chapter 79, laws of 1981, which created this chapter of the statutes, contains extensive notes explaining the revisions. See the 1981 Session Laws.

SUBCHAPTER I

GENERAL PROVISIONS

125.01 Legislative intent. This chapter shall be construed as an enactment of the legislature's support for the 3-tier system for alcohol beverages production, distribution, and sale that, through uniform statewide regulation, provides this state regulatory authority over the production, storage, distribution, transportation, sale, and consumption of alcohol beverages by and to its citizens, for the benefit of the public health and welfare and this state's economic stability. Without the 3-tier system, the effective statewide regulation and collection of state taxes on alcohol beverages sales would be seriously jeopardized. It is further the intent of the legislature that without a specific statutory exception, all sales of alcohol beverages shall occur through the 3-tier system, from manufacturers to wholesalers holding a permit to retailers to consumers. Face-to-face retail sales at licensed premises directly advance the state's interest in preventing alcohol sales to underage or intoxicated persons and the state's interest in efficient and effective collection of tax.

History: 1981 c. 79; 2005 a. 103; 2007 a. 85; 2011 a. 32.

State liquor laws, including licensing requirements, are applicable to liquor establishments owned or operated by either tribe members or non-Indians and located on Indian reservations. Any license issued counts toward the local quota. 75 Atty. Gen. 123.

Indian tribes are within the coverage of this chapter; any license issued to a tribe counts toward the local quota. 76 Atty. Gen. 80.

125.015 Severability. If any provision or clause of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

History: 2007 a. 20.

Interpreting s. 990.001 (11), an unconstitutional clause was found severable. Wisconsin Wine & Spirit Institute v. Ley, 141 Wis. 2d 958, 416 N.W.2d 914 (Ct. App. 1987).

125.02 Definitions. Except as otherwise provided, in this chapter:

(1) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

(1c) "Alcohol vapor device" means any device that provides for the use of air or oxygen bubbled through an alcohol beverage to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.

(1g) "Axe throwing facility" means an establishment that provides customers with a venue to engage in the activity of axe throwing and that either derives at least 51 percent of its revenue from fees associated with axe throwing or maintains at the venue at least 5 axe throwing lanes.

(1m) "Barrel" means 31 U.S. gallons.

(2) "Brewer" means any person who manufactures fermented

malt beverages for sale or transportation, except that "brewer" does not include a permittee under s. 125.295.

(2d) "Brewer group" means a brewer, including all premises for which the brewer holds a permit issued under s. 125.29, together with all of the following:

(a) All brewers that share membership with the brewer in a controlled group of brewers, as determined under 26 USC 5051 (a) (2) (B).

(b) All brewers considered with the brewer as one taxpayer under 27 CFR 25.111b (b).

(c) All franchisees, as defined in s. 553.03 (5), of the brewer.

(d) All franchisees, as defined in s. 553.03 (5), of the brewer's franchisor, as defined in s. 553.03 (6).

(e) The franchisor, as defined in s. 553.03 (6), of the brewer.

(2h) "Brewpub" means a permittee under s. 125.295.

(2p) "Brewpub group" means a brewpub, including all premises for which the brewpub holds a permit issued under s. 125.295, together with all of the following:

(a) All brewpubs that share membership with the brewpub in a controlled group of brewpubs, as determined under 26 USC 5051 (a) (2) (B).

(b) All brewpubs considered with the brewpub as one taxpayer under 27 CFR 25.111b (b).

(c) All franchisees, as defined in s. 553.03 (5), of the brewpub.

(d) All franchisees, as defined in s. 553.03 (5), of the brewpub's franchisor, as defined in s. 553.03 (6).

(e) The franchisor, as defined in s. 553.03 (6), of the brewpub.

(2t) "Brewpub premises" means any premises covered by a permit issued under s. 125.295.

(3) "Brewery premises" means all land and buildings used in the manufacture or sale of fermented malt beverages at a brewer's principal place of business.

(3m) "Campus" has the meaning given under s. 36.05 (3).

(3r) "Caterer" means any person holding a license under s. 97.30 for a restaurant who is in the business of preparing food and transporting it for consumption on premises where gatherings, meetings, or events are held, if the sale of food at each gathering, meeting, or event accounts for greater than 50 percent of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

(3u) "Chamber of commerce" means a local chamber of commerce organized under ch. 181 or a similar civic or trade organization organized under ch. 181 to promote economic growth and opportunity within a local geographical area.

(4) "Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

(4m) "Commercial quadricycle" has the meaning given in s. 340.01 (8m).

(5) "Department" means the department of revenue.

(5g) "Division" means the division of alcohol beverages in the department.

(6) "Fermented malt beverages" means any of the following:

(a) Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

(b) Any beverage recognized by the federal department of the treasury as beer under 27 CFR part 25, except sake or similar products.

(6d) "Fulfillment house" means any entity, whether located in this state or elsewhere, that handles logistics, including warehousing, packaging, order fulfillment, or shipping services, on behalf of a person holding a direct wine shipper's permit under s. 125.535 for wine that is eligible to be shipped to individuals in this state.

(6g) "Full-service retail sales" means retail sales of fermented malt beverages or intoxicating liquor, for on-premises or off-premises consumption, or the provision of taste samples of fermented malt beverages or intoxicating liquor, or any combination of these activities.

(6m) "Homemade," with respect to the making of wine and fermented malt beverages, means wine and fermented malt beverages made by a person's own efforts and not for a commercial purpose, but does not require that the wine or fermented malt beverages be made in the person's home.

(7) "Hotel" means a hotel, as defined in s. 97.01 (7), that is provided with a restaurant.

(8) "Intoxicating liquor" means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages".

(8m) "Legal drinking age" means 21 years of age.

(9) "License" means an authorization to sell alcohol beverages issued by a municipal governing body under this chapter.

(10) "Manufacturer" means a person, other than a rectifier, that ferments, manufactures or distills intoxicating liquor.

(11) "Municipality" means a city, village or town.

(11m) "Painting studio" means an establishment that is primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers the opportunity to purchase food and beverages for consumption while they paint.

(12) "Peace officer" means a sheriff, undersheriff, deputy sheriff, police officer, constable, marshal, deputy marshal or any employee of the division or of the department of justice authorized to act under this chapter.

(13) Except as provided in ss. 125.27 (6) and 125.51 (5) (g), "permit" means any permit issued by the division under this chapter.

(14) "Person" means a natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity under ch. 71.

(14m) "Premises" means the area described in a license or permit, excluding a permit issued under s. 125.175 or 125.24.

(15) "Primary source of supply" means any of the following:

(a) With respect to fermented malt beverages, the brewer or brewpub that manufactured the fermented malt beverages or the exclusive agent designated by this brewer or brewpub.

(b) With respect to intoxicating liquor, the manufacturer, the rectifier, or the exclusive agent designated by the manufacturer or rectifier.

(15m) "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.

(16) (am) "Rectifier" means any one of the following:

1. A person that rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete.

2. A person who possesses any still or leach tub or keeps any other apparatus for refining distilled spirits.

3. A person who after rectifying and purifying distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale.

4. A distiller or any person under substantially the same control as a distiller who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials" or any other name.

5. A person who places intoxicating liquor in bottles or other containers.

(bm) "Rectifier" does not include a "Class B" licensee that prepares, stores, or dispenses mixed drinks in advance of sale in compliance with s. 125.51 (3) (bg).

(17) "Regulation" means any rule or ordinance adopted by a municipal governing body.

(18) "Restaurant" means any building, room, or place where meals are prepared or served or sold to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. For purposes of this subsection, "meals" does not include soft drinks, ice cream, milk, milk drinks, ices, and confections. "Restaurant" does not include any of the following:

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.

(b) Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve, or sell meals to transients or the general public.

(c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales.

(d) Any bed and breakfast establishment, as defined in s. 97.01 (1g), that serves breakfasts only to its lodgers.

(e) The serving of food or beverage through a licensed vending machine, as defined in s. 97.01 (15p).

(f) Any college campus, as defined in s. 36.05 (6m), institution as defined in s. 36.51 (1) (b), or technical college that serves meals only to the students enrolled in the college campus, institution, or technical college or to authorized elderly persons under s. 36.51 or 38.36.

(g) A concession stand at a locally sponsored sporting event, such as a little league game.

(h) A potluck event, as defined in s. 97.01 (13g).

(19) "Retailer" means any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or a license under this chapter.

(20) "Sell", "sold", "sale" or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.

(20d) "State fair park" means the property, buildings, and other improvements under the management of the state fair park board located in the city of West Allis and the city of Milwaukee bounded by I 94 to the north, S. 76th Street to Pierce Street to S. 77th Street to the east, W. Greenfield Avenue to the south, and S. 84th Street to the west.

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

(20m) "Underage person" means a person who has not attained the legal drinking age.

(21) "Wholesaler" means a person, other than a brewer, brewpub, manufacturer, or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit to sell alcohol beverages at wholesale.

(22) "Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain not less than 0.5 percent nor more than 21 percent of alcohol by volume.

(23) "Wine collector" means an individual who meets the standards established by the division by rule and who is registered with the division as a collector of wine.

History: 1981 c. 79, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1985 a. 47, 302, 337; 1989 a. 253; 1991 a. 39; 1993 a. 27, 112; 1997 a. 27; 1999 a. 163; 2007 a. 20 ss. 2757te to 2757we, 2759ci; 2007 a. 85; 2011 a. 32, 200; 2013 a. 106; 2015 a. 8, 55, 62; 2017 a. 17; 2021 a. 21, 43; 2023 a. 73.

125.025 Powers and duties of division. (1) ADMINISTRATION; PERSONNEL. (a) The division, under the direction and supervision of the administrator, shall administer this chapter and have jurisdiction over alcohol beverages regulation, enforcement, and education in this state. The division is responsible for administering regulatory programs; promoting regulatory transparency; promoting statutory changes to create clarity, consistency, and simplicity in alcohol beverage regulatory requirements; and ensuring active, consistent enforcement of alcohol beverage laws.

(b) The administrator may appoint, in the classified service, special agents and other employees necessary to carry out the permitting, audit, legal, education, and enforcement functions of the division. The division shall employ no fewer than 10 alcohol beverage field agents to perform enforcement activities under the direction of the director of the bureau created under s. 15.433 (2) (b) dedicated to enforcement.

(c) The administrator and any employee of the division may not be employed by or have a substantial financial interest in the alcohol beverages industry or any business subject to the division's jurisdiction.

(2) POLICE POWERS. The division shall enforce, and the duly authorized employees of the division shall have all necessary police powers to prevent violations of, this chapter.

(3) INSPECTION FOR ENFORCEMENT. Duly authorized employees of the department of justice and the division and any sheriff, police officer, marshal, or constable, within their respective jurisdictions, may, during normal business hours, enter any licensed premises, and examine the books, papers, and records of any brewer, brewpub, manufacturer, rectifier, wholesaler, retailer, fulfillment house, or common carrier and may inspect and examine, according to law, any premises where fermented malt beverages or intoxicating liquors are manufactured, sold, exposed for sale, possessed, or stored, for the purpose of inspecting the same and determining whether this chapter is being complied with. Any refusal to permit such examination of such premises is sufficient grounds under s. 125.12 for revocation or suspension of any license or permit issued under this chapter and is punishable under s. 125.11 (3).

(4) LIST OF PERMITTEES. The division shall provide the department with all information necessary for the department to publish the information specified in s. 139.11 (4) (a) 2. and (b) 2.

(5) FEES. Except as provided in ss. 125.28 (4) and 125.535 (2), all fees collected by the division in connection with permits issued under this chapter shall be credited to the appropriation account under s. 20.566 (9) (g).

History: 2023 a. 73; 2025 a. 15.

125.03 Division rule making. (1) RULES. (a) The division may promulgate rules consistent with this chapter and ch. 139 to carry out the division's duties under this chapter.

(b) The division shall promulgate rules providing for registration of wine collectors and establishing standards of eligibility for registration as a wine collector. The rules shall also specify the form and manner of notice required under s. 125.06 (11m).

(2) CONTAINERS. The division may by rule prescribe the standard size, form, or character of any container in which intoxicating liquor may be sold in this state except that the division may not set the size of containers in which intoxicating liquor, except wine containing not more than 21 percent of alcohol by volume, may be sold at a capacity greater than 1.75 liters (59.1752 fluid ounces).

(3) VIOLATIONS. No person may violate a rule promulgated under sub. (1) (a) or (2).

History: 1981 c. 79, 1989 a. 253; 2007 a. 85; 2023 a. 73.
Cross-reference: See also ch. Tax 7, Wis. adm. code.

125.035 Civil liability exemption: furnishing alcohol beverages. (1) In this section, "person" has the meaning given in s. 990.01 (26).

(2) A person is immune from civil liability arising out of the act of procuring alcohol beverages for or selling, dispensing or giving away alcohol beverages to another person.

(3) Subsection (2) does not apply if the person procuring, selling, dispensing or giving away alcohol beverages causes their consumption by force or by representing that the beverages contain no alcohol.

(4) (a) In this subsection, "provider" means a person, including a licensee or permittee, who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to an underage person in violation of s. 125.07 (1) (a).

(b) Subsection (2) does not apply if the provider knew or should have known that the underage person was under the legal drinking age and if the alcohol beverages provided to the underage person were a substantial factor in causing injury to a 3rd party. In determining whether a provider knew or should have known that the underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered, including any circumstance under subds. 1. to 4. In addition, sub. (2) does apply if all of the following occur:

1. The underage person falsely represents that he or she has attained the legal drinking age.

2. The underage person supports the representation with documentation that he or she has attained the legal drinking age.

3. The alcohol beverages are provided in good faith reliance on the underage person's representation that he or she has attained the legal drinking age.

4. The appearance of the underage person is such that an ordinary and prudent person would believe that he or she had attained the legal drinking age.

(5) Subsection (2) does not apply to civil forfeiture actions for violation of any provision of this chapter or any local ordinance in conformity with any provision of this chapter.

History: 1985 a. 47.

Whether an alleged activity arising out of the act of procuring alcohol is a tort itself, a conspiracy to commit a tort, or aiding and abetting a tort, this section provides immunity. Greene v. Farnsworth, 188 Wis. 2d 365, 525 N.W.2d 107 (Ct. App. 1994).

The distinction that this statute draws between providers of alcohol to underage and other drinkers does not violate the constitutional guarantees of equal protection. Doering v. WEA Insurance Group, 193 Wis. 2d 118, 532 N.W.2d 432 (1995).

A person who provides alcohol to an underage person, when the alcohol is a substantial factor in causing injury to a third party, is not immune from liability in a suit by that third party solely because that third party, also underage, illegally consumed alcohol. Miller v. Thomack, 204 Wis. 2d 242, 555 N.W.2d 130 (Ct. App. 1996), 95-1684.

An individual who provides alcohol to an underage person that is a substantial factor in causing an accident that ultimately injures the individual cannot be a third party under sub. (4) (b) and cannot take advantage of the exception to immunity for providers of alcohol in order to pursue an action against other providers. Meier v. Champ's Sport Bar & Grill, Inc., 2001 WI 20, 241 Wis. 2d 605, 623 N.W.2d 94, 00-0589.

A person who agreed to be a designated driver, freeing a bartender to serve a possibly intoxicated person more alcohol, brought about the acquisition of the alcohol, "procuring" it for purposes of sub. (2), but was immune from liability when he later did not provide a ride and the intoxicated person drove and caused a fatal collision. Stephenson v. Universal Metrics, Inc., 2002 WI 30, 251 Wis. 2d 171, 641 N.W.2d 158, 00-1397.

If an injured claimant is a third party to the transaction by which the defendant provided alcohol to an underage person, and the alcohol was a substantial factor in causing the third-party claimant's injury, the exception to immunity under sub. (4) (b) applies, and the defendant may be liable. A third person's contributory liability for providing alcohol to himself or herself does not affect the immunity determination, although the injured person's contributory fault may bear upon a defendant's ultimate liability. Anderson v. American Family Mutual Insurance Co., 2003 WI 148, 267 Wis. 2d 121, 671 N.W.2d 651, 02-0980. See also Mueller v. McMillian Warner Insurance Co., 2005 WI App 210, 287 Wis. 2d 154, 704 N.W.2d 613, 05-0121.

Affirmed on other grounds. 2006 WI 54, 290 Wis. 2d 571, 714 N.W.2d 183, 05-0121.

Liquor Vendors and Social Hosts: Are They Immune From Civil Liability? Chapin. Wis. Law. Dec. 1992.

Liquor Vendors and Social Hosts: Are They Still Immune from Serving Adults? Chapin. Wis. Law. Dec. 1995.

Another Look at Dram Shop Liability. Emerson & Stroebel. Wis. Law. Aug. 2000.

Social Host Liability for Underage Drinking. Hinkston. Wis. Law. June 2008.

125.037 Civil liability exemption for municipalities. No municipality, as defined in s. 67.01 (5), or municipal governing body, committee, official or employee is civilly liable for damage to any person or property caused by the consumption of alcohol beverages by that person or any other person, by reason of any of the following:

(1) Issuing a license to sell alcohol beverages.

(2) Allowing the holder of a license or permit to sell, dispense or give away alcohol beverages on property owned or leased by the municipality.

(3) Failing to monitor or supervise the activities of the licensee or permittee.

History: 1985 a. 47; 1989 a. 253.

125.039 Civil liability exemption for retaining proofs of age. No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify a law enforcement authority of a suspected violation of s. 125.085 (3) (a) or (b).

History: 1997 a. 27.

125.04 General licensing requirements. (1) LICENSE OR PERMIT; WHEN REQUIRED. No person may sell, manufacture, rectify, brew or engage in any other activity for which this chapter provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization issued under this chapter.

(2) LICENSES OR PERMITS ISSUED IN VIOLATION OF CHAPTER. No license or permit may be issued to any person except as pro-

vided in this chapter. Any license or permit issued in violation of this chapter is void.

(3) APPLICATIONS FOR LICENSES AND PERMITS. (a) *Contents.* The division shall prepare an application form for each kind of license, other than a manager's or operator's license, and for each kind of permit issued under this chapter. Each form, except an operator's permit form, shall require all of the following information:

1. A history of the applicant relevant to the applicant's fitness to hold a license or permit, including whether the applicant is a restricted investor requiring disclosure under s. 125.20 (6) (a) 5. and the basis of this status.

2. The kind of license or permit for which the applicant is applying.

3. The premises where alcohol beverages will be sold or stored or both.

4. If the applicant is a corporation, the identity of the corporate officers and agent.

4L. If the applicant is a limited liability company, the identity of the company members or managers and agent.

4m. If the applicant is a cooperative organized under ch. 185, the identity of the cooperative members, board of directors, and agent.

5. The applicant's trade name, if any.

6. Any other information required by this chapter.

(b) *Application for renewing.* The division may prepare a simplified application form for renewal of each kind of license or permit which requires only information pertinent to renewal.

(bm) *Signature on, and notarization of, forms.* The application forms prepared by the division for a license or permit under this chapter may not require any of the following:

1. The signature of more than one person signing on behalf of the applicant.

2. That an applicant's signature be notarized.

(c) *Distribution.* The division shall make one copy of each kind of license application that it prepares available to each municipality.

(d) *Application form use.* 1. An application form prepared by the division shall be used by each applicant for a permit.

2. A replica of an application form prepared by the division shall be used by each applicant for a license, other than a manager's or operator's license.

(e) *Place of filing applications.* 1. Each application for a license shall be signed by the applicant. The applicant shall file the application for a license with the municipal clerk of the intended place of sale.

2. The applicant shall file the application for a permit with the division.

(f) *Time of filing and issuance.* 1. Except as provided in subds. 2. and 3., all applications for licenses to sell alcohol beverages shall be filed with the clerk of the municipality in which the premises are located at least 15 days prior to the granting of the license.

2. In counties having a population of 750,000 or more, the governing body of the municipality shall establish the time, prior to the granting of a license, by which an application shall be filed with the clerk.

3. For licenses issued under s. 125.26 (6) for a picnic or other gathering lasting less than 4 days, the governing body of the municipality shall establish the time, prior to the granting of a license, by which an application shall be filed with the clerk.

(g) *Publication of application for license.* The municipal clerk shall publish each application for a Class "A", Class "B", "Class A", "Class B" or "Class C" license, except licenses under ss. 125.26 (6) and 125.51 (10), prior to its issuance in a newspaper according to the following conditions:

1. The publication shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed.

2. The newspaper utilized for publication shall have been regularly published, on a daily or weekly basis for a period of not less than 2 years before the date of publication in the municipality in which is located the premises to be licensed.

3. If the municipality in which the premises is located has no newspaper, the newspaper utilized for publication shall be one having circulation in the municipality and designated by the governing body. If no designation is made, publication shall be in the newspaper having the largest circulation in the municipality.

4. The newspaper utilized for publication shall be one that is published on a daily basis, except that a weekly newspaper may be utilized if a daily newspaper is not published in the municipality.

5. The publication shall be printed in a daily newspaper on 3 successive occasions, or if a weekly newspaper is utilized, it shall be printed at least once.

6. At the time the application is filed, the applicant shall pay to the clerk the cost of publication as determined under s. 985.08.

(h) *Subsequent changes.* Within 30 days of any change in any fact set out in an application for a license or permit to sell alcohol beverages, the licensee or permittee shall file with the issuing authority a written description of the changed fact, including any change in restricted investors under s. 125.20 (6) (a) 5.

(i) *Records.* 1. Any person may inspect applications for licenses to sell alcohol beverages.

2. The clerk of the municipality shall retain all applications made to it for licenses to sell alcohol beverages.

3. The clerk of the municipality may destroy all applications more than 4 years old which have been retained under subd. 2.

(j) *Penalty for materially false application information, affidavit representation.* Any person who knowingly provides materially false information in an application for a license or permit under this chapter or on a form under par. (k), and any person who materially violates any representation made in an affidavit under s. 125.20 (6) (a) 6. or (c) 4., may be required to forfeit not more than $1,000.

(k) *Approval of full-service retail outlets.* The division shall prepare a form for use by a brewer, winery, manufacturer, or rectifier to request approval for a full-service retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d) 1. The form shall be similar to the form for a retail license application under par. (a). An applicant shall use the form to submit a request for approval of a full-service retail outlet under s. 125.29 (7) (d) 1., 125.52 (4) (d) 1., or 125.53 (3) (d) 1.

(4) LIST OF LICENSEES. By July 15 annually, the clerk of a municipality issuing licenses shall mail to the division a list containing the name, address, and trade name of each person holding a license issued by that municipality, other than a manager's or operator's license or a license issued under s. 125.26 (6), the type of license held, and, if the person holding the license is a corporation or limited liability company, the name of the agent appointed under sub. (6). The division shall annually publish this list on the division's website.

(5) QUALIFICATIONS FOR LICENSES AND PERMITS. (a) *Natural persons.* Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who fulfill all of the following requirements:

1. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322, 111.335 and 125.12 (1) (b).

2. Have been residents of this state continuously for at least 90 days prior to the date of application.

3. Have attained the legal drinking age.

4. Have submitted proof under s. 77.61 (11).

5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the division or the department of safety and professional services. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under sub. (6) of a corporation or limited liability company that held, within the past 2 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license, or an operator's permit.

(b) *Criminal offenders.* No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

(c) *Corporations and limited liability companies.* No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the entity appointed under sub. (6) and the officers and directors, or members or managers, of the entity meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the entity appointed under sub. (6) meets the qualifications under par. (a) 2. and 5. The requirement that the entity meet the qualifications under pars. (a) 1. and (b) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(d) *Operators' and managers' licenses.* 1. Paragraph (a) 2. does not apply to applicants for operators' licenses issued under s. 125.17, to applicants for operators' permits issued under s. 125.175, or to applicants for managers' licenses issued under s. 125.18. Managers' licenses may be issued only to applicants who are residents of this state at the time of issuance.

2. Paragraph (a) 3. does not apply to applicants for operators' licenses under s. 125.17 or to applicants for operators' permits under s. 125.175. Operators' licenses and operators' permits may be issued only to applicants who have attained the age of 18.

3. Paragraph (a) 4. and 5. does not apply to any of the following:

a. Applicants for operators' licenses under s. 125.17 and for operators' permits under s. 125.175.

b. Applicants for managers' licenses under s. 125.18.

c. Applicants for temporary Class "B" licenses under s. 125.26 (6) who are not required to hold a seller's permit under subch. III of ch. 77.

d. Applicants for temporary "Class B" licenses under s. 125.51 (10) who are not required to hold a seller's permit under subch. III of ch. 77.

(6) LICENSES TO CORPORATIONS AND LIMITED LIABILITY COMPANIES; APPOINTMENT OF AGENTS. (a) *Agent.* No corporation or limited liability company organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless:

1. The entity first appoints an agent in the manner prescribed by the authority issuing the license or permit. In addition to the qualifications under sub. (5), the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority.

2. The entity vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person.

(b) *Successor agent.* A corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent to act in the agent's place, for the remainder of the license year or until another agent is appointed, as follows:

1. The successor agent shall meet the same qualifications required of the first appointed agent.

2. The entity shall immediately notify the issuing authority, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.

(c) *Authority of successor.* A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the corporation or limited liability company until the next regular or special meeting of the issuing authority if a license is held. However, the license of the corporation or limited liability company shall cease to be in force if, prior to the next regular or special meeting of the issuing authority, the clerk of the licensing authority receives notice of disapproval of the successor agent by a peace officer of the municipality issuing the license.

(d) *Approval of successor.* The license of the corporation or limited liability company shall not be in force after the next regular or special meeting of the licensing authority unless and until the successor agent or another qualified agent is appointed and approved by the licensing authority.

(e) *Fee.* The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the licensing authority, pay to the licensing authority a fee of $10.

(f) *Resignation.* If an agent appointed under this subsection resigns, he or she shall notify in writing the corporation or limited liability company and the authority issuing the license or permit within 48 hours of the resignation.

(g) *Forms.* If the division or any municipality prepares a form relating to the appointment of an agent under this subsection, including any cancellation of an appointment or appointment of a successor agent, the form may not require the signature of more than one person signing on behalf of the corporation or limited liability company submitting the form.

(8) PAYMENT OF LICENSE FEE; PERMIT FEES. (a) No license for the sale of alcohol beverages may be delivered to the applicant until the applicant files with the municipal clerk a receipt showing payment of the license fee to the appropriate treasurer. No city or village may require an applicant to pay the license fee more than 15 days prior to the date the license is to be issued. No town may require an applicant to pay the license fee more than 30 days prior to the date the license is to be issued.

(b) Unless the department established a different permit fee before January 1, 2025, and except as provided in ss. 125.175 (3), 125.22 (1) (e), 125.23 (1) (c), 125.24 (1) (e), 125.27 (5) (f), 125.28 (4), 125.295 (4), 125.51 (5) (f) 5., 125.535 (2), and 125.65 (10), the division shall charge an annual fee of $500 for each permit issued by the division under this chapter.

(8m) PAYMENT OF CRIMINAL HISTORY FEES. Any fees incurred by the division under s. 165.82 (1) (am) for purposes of verifying a permit applicant's eligibility under sub. (5) (a) 1. and (b) shall be paid by the applicant to the division upon application for the permit.

(9) SEPARATE LICENSE OR PERMIT REQUIRED. Except as provided under ss. 125.27 (2) (a) and 125.51 (5) (c) 1., wholesalers, manufacturers, rectifiers, brewers, brewpubs, and retailers shall have a separate permit or license covering each location or premises, except a licensed public warehouse, from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.

(10) LICENSE AND PERMIT FRAMED, POSTED. (a) *Frame.* Permits for the retail sale of alcohol beverages, and licenses for the sale of alcohol beverages, shall be enclosed in a frame having a transparent front which allows the license or permit to be clearly read.

(b) *Display.* All permits and licenses under par. (a), other than those for the sale of fermented malt beverages for consumption on the premises issued to the state fair or to county or district fairs receiving state aid, shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to permit or licensure is carried on.

(11) EXPIRATION DATES. Except as otherwise provided in this chapter:

(a) *Permits.* All permits to sell alcohol beverages shall expire as specified in the valid certificate issued under s. 73.03 (50).

(b) *Licenses.* 1. The municipal governing body of a 1st class city may issue a retail license for the sale of alcohol beverages at any time during a year. Each license shall be valid for one year and shall specify its date of expiration.

2. All licenses other than those specified under subd. 1. shall expire on June 30 of each year.

(12) TRANSFER OF LICENSES AND PERMITS. (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53, or a wholesaler's permit under s. 125.28 or 125.54 may be transferred to another premises within this state. Transfers shall be made by the issuing authority upon payment of a fee of $10 to the issuing authority. No retail licensee, retail permittee, wholesaler permittee, or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

(b) *From person to person.* 1. Licenses to sell alcohol beverages may be transferred to persons other than the licensee if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse may hold a license under sub. (5) and complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place.

2. Upon the happening of any of the events under subd. 1., the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business.

4. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:

a. He or she complies with the requirements applicable to original applicants; and

b. He or she is acceptable to the issuing authority and consent to the transfer is given by the issuing authority.

(13) PENALTIES. Any person who violates sub. (1) may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

History: 1981 c. 79, 235, 391; 1983 a. 27, 72, 74, 493, 494, 516; 1985 a. 302; 1987 a. 35, 301, 399; 1989 a. 31, 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 23; 1995 a. 27 ss. 4117b, 4117c, 9154 (1); 1995 a. 225; 1997 a. 27; 2003 a. 250; 2007 a. 20, 85; 2011 a. 32; 2017 a. 59; 2017 a. 207 s. 5; 2017 a. 289; 2023 a. 73; 2025 a. 127.

Section 176.14 [now sub. (3) (h)] requires a licensee to update an application during the license year to facilitate scrutiny of the ongoing operation. The licensing authority has discretion to approve or disapprove any reported expansion of a licensed premises. Alberti v. City of Whitewater, 109 Wis. 2d 592, 327 N.W.2d 150 (Ct. App. 1982).

Licensees who are natural persons are liable for criminal acts of employees. State v. Beaudry, 119 Wis. 2d 96, 349 N.W.2d 106 (Ct. App. 1984). But see s. 125.115.

The registered agent of a corporate alcohol beverage licensee is subject to vicarious criminal liability for an employee's violation of the closing hour law. State v. Beaudry, 123 Wis. 2d 40, 365 N.W.2d 593 (1985).

A person may be a "habitual law offender" under sub. (5) (b) without having been convicted of any crime. State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987).

Sub. (1) requires that the actual owner of an establishment selling intoxicating liquor possess the license in the owner's own name. State v. Eastman, 148 Wis. 2d 254, 435 N.W.2d 278 (Ct. App. 1988).

A license never should have been issued when a notice of application had not been published as required under sub. (3) (g), and a license issued without publication is void under sub. (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. Williams v. City of Lake Geneva, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Proprietors of a bed and breakfast may solicit voluntary contributions from guests at a social event held on the premises to defray the cost of alcohol, but proprietors who do not hold a license may not serve alcohol at a social event only to those who pay an admission fee. 80 Atty. Gen. 218.

A village board's denial of an application for a liquor license did not deprive the applicant of either liberty or property. Scott v. Village of Kewaskum, 786 F. 2d 338 (1986).

90 Proof: Liquor Licensing in Wisconsin. Murrell. Wis. Law. May 2009.

125.045 Booklet for licensees and permittees; safe ride program information. (1) The division shall prepare a booklet explaining the state statutes and rules relating to the retail sale of alcohol beverages, written concisely in language which is clearly understood by those required to utilize it.

(2) (a) The division shall provide a copy of the booklet under sub. (1) free of charge to each person issued a permit, including a renewal, under s. 125.175, 125.27, or 125.51 (5). The division shall provide the booklet for a charge not to exceed cost, as provided under s. 20.908, to municipalities.

(b) The division shall provide to each person initially issued a permit under s. 125.27 or 125.51 (5) information regarding the safe ride program described in s. 85.55.

(3) (a) A municipality shall provide a copy of the booklet under sub. (1) to each person issued a license, including a renewal, under s. 125.17, 125.18, 125.25, 125.26 or 125.51 (1) by the municipality unless the municipality requires the person to complete an instructional program which includes the subject matter of the booklet or unless the person completes the program under s. 125.04 (5) (a) 5. or 125.17 (6). This section does not preclude a municipality from charging a fee for such a program. A municipality may charge for the booklet in an amount not to exceed the amount charged by the division under sub. (2) (a).

(b) A municipality shall provide to each person initially issued a license under s. 125.26 (1) or 125.51 (3) or (3m) information regarding the safe ride program described in s. 85.55.

History: 1987 a. 300; 1989 a. 56 s. 259; 1989 a. 253; 1993 a. 259; 2023 a. 73.

125.06 License and permit exceptions. No license or permit is required under this chapter for:

(1) BREWERS' PREMISES. The furnishing, by brewers, of fermented malt beverages free of charge to customers, visitors, and employees on the brewery premises.

(2) HOSPITALS; PRACTICE OF MEDICINE OR SURGERY. (a) The use of alcohol beverages in institutions licensed under sub-

chs. I and II of ch. 50 where the beverages are used solely for medicinal, mechanical or scientific purposes.

(b) The use or prescription of alcohol beverages by a person licensed to practice medicine or surgery in the treatment of the sick.

(c) Notwithstanding pars. (a) and (b), a permit to receive shipments of alcohol under s. 125.61 must be obtained before alcohol beverages may be used or prescribed under pars. (a) and (b).

(3) THE MAKING OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES. (a) The making of homemade wine or fermented malt beverages, and the possession, transportation, or storage of homemade wine or fermented malt beverages, by any person if all of the following apply:

1. The person who makes the wine or fermented malt beverages receives no compensation.

2. The wine or fermented malt beverages are not sold or offered for sale.

3. The total quantity of wine or fermented malt beverages made, in a calendar year, by the person and any other person living in the same household does not exceed 100 gallons if the household has only one person of legal drinking age or 200 gallons if the household has 2 or more persons of legal drinking age.

(b) A person who makes, possesses, transports, or stores homemade wine or fermented malt beverages in compliance with the limitations specified in par. (a) is not a brewer or a manufacturer of wine for purposes of this chapter.

(c) Homemade wine or fermented malt beverages made in compliance with the limitations specified in par. (a) may be consumed by the person who made it and his or her family, neighbors, and friends at any private residence or other private location where the possession and consumption of alcohol is permissible under this chapter, local ordinances, and other applicable law. This paragraph does not apply to licensed premises.

(3g) WINE OR FERMENTED MALT BEVERAGES MADE AT SUPPLY STORES. The manufacture of wine or fermented malt beverages by any person at a business primarily engaged in selling supplies and equipment for use by homebrewers or home winemakers, and, notwithstanding s. 125.09 (1), the tasting at the business of wine or fermented malt beverages so manufactured, if the wine or fermented malt beverages are not sold or offered for sale. Wine or fermented malt beverages provided at a business for tasting under this subsection may only be provided by a person who holds an operator's license issued under s. 125.17 or an operator's permit issued under s. 125.175.

(3m) THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition, if the exhibition, demonstration, judging, tasting, sampling, contest, or competition is held at a private residence or on a licensed premises. Homemade wine or fermented malt beverages used for purposes described in this paragraph, including the submission or consumption of such wine or fermented malt beverages, are not considered sold or offered for sale under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result of an exhibition, demonstration, judging, tasting, or sampling is not considered compensation under sub. (3) (a) 1., but no fee may be charged for consumption of the homemade wine or fermented malt beverages at the exhibition, demonstration, judging, tasting, sampling, contest, or competition.

(b) Notwithstanding ss. 125.14 (5), 125.315, 125.32 (6) (a), 125.34 (2) and (5), and 125.67, a person who is not a licensee under this chapter may at a private residence, and a person who is a licensee under this chapter may on the licensed premises, conduct, sponsor, or host a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) if the person does not sell the wine or fermented malt beverages and, unless the person is the maker of the wine or fermented malt beverages, does not acquire any ownership interest in the wine or fermented malt beverages. No fee may be charged for consumption of homemade wine or fermented malt beverages at the contest, competition, or other event. If the contest, competition, or other event is held on licensed premises, the licensee may allow the homemade wine or fermented malt beverages to be stored on the premises if the homemade wine or fermented malt beverages are clearly identified and kept separate from any alcohol beverages owned by the licensee. If the contest, competition, or other event is held on licensed premises, the provisions of ss. 125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or fermented malt beverages. If the contest, competition, or other event is held on licensed premises, the licensee shall comply with all provisions of this chapter and local ordinances that would apply if the fermented malt beverages or wine were not homemade, except those provisions made specifically inapplicable under this paragraph.

(c) If a competition or exhibition complying with par. (b) is held by a national organization and has participants from more than 25 states, a person who made homemade wine or fermented malt beverages in another state under conditions similar to those imposed under sub. (3) may, without holding a license or permit under this chapter, transport up to 10 gallons of homemade wine or fermented malt beverages into this state for purposes of participating in the competition or exhibition.

(3r) WINE OR FERMENTED MALT BEVERAGES MADE FOR EDUCATIONAL PURPOSES. The manufacture of wine or fermented malt beverages for educational purposes, and, notwithstanding s. 125.09 (1), the tasting of the wine or fermented malt beverages at the place of manufacture, if the wine or fermented malt beverages are not sold or offered for sale.

(4) UNADULTERATED CIDER. The manufacture or sale of unadulterated apple cider.

(5) RAILROADS, AIRCRAFT. The sale of alcohol beverages on any railroad dining, buffet or cafe car or aircraft, while in transit. Except as authorized under s. 125.26 (3m) or 125.51 (3) (dm), alcohol beverages may be consumed in a railroad dining, buffet or cafe car or aircraft only while it is in transit.

(6) PUBLIC PARKS. The sale of fermented malt beverages in any public park operated by a county or municipality. Fermented malt beverages shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the governing body.

(7) JUDICIAL, PERSONAL REPRESENTATIVE'S, GUARDIAN'S, RECEIVER'S OR TRUSTEE'S SALE. The sale of alcohol beverages at any judicial, personal representative's or guardian's sale or any sale by a receiver or trustee in insolvency or bankruptcy, where the estate being administered possesses a license or permit in effect on the date of such sale.

(8) SALE BY SECURED PARTY. The sale of alcohol beverages by a secured party in good faith under the terms of a security agreement, if the sale is not for the purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course of the business of lending money secured by a security interest in alcohol beverages or warehouse receipts or other evidence of ownership. A sale of fermented malt beverages must be made within 15 days after the secured party takes possession of the fermented malt beverages unless the secured party demonstrates good cause

why a sale in compliance with s. 409.610 (2) or the security agreement cannot be made within this time period.

(9) CERAMIC BOTTLE COLLECTORS. The sale of ceramic commemorative bottles or other uniquely designed decanters which contain intoxicating liquor, by collectors of such containers to other collectors of such containers.

(10) RAFFLES. The awarding of alcohol beverages in original, unopened packages, containers or bottles as a prize, in a raffle conducted by an organization licensed to conduct the raffle under ch. 563, to any person who has attained the legal drinking age.

(11) AUCTION SALES. The sale by an auction house at public auction of a collection of sealed bottles of intoxicating liquor or unopened beer cans for the purpose of settling an estate or disposing of the collection or the auction sale of sealed bottles or containers of wine or of unopened bottles of intoxicating liquor or fermented malt beverages by a charitable organization, as defined in s. 202.11 (1), at an auction held to raise money for the charitable organization.

(11m) WINE COLLECTORS. The sale by a wine collector to any other wine collector of manufacturer-sealed bottles or containers of wine that the selling wine collector has held for at least 8 years if the selling wine collector has provided prior notice of the sale to the division. No more than one sale in any 12-month period may be conducted by a wine collector under this paragraph.

Cross-reference: See also s. Tax 8.03, Wis. adm. code.

(12) BED AND BREAKFAST ESTABLISHMENTS. The provision by a bed and breakfast establishment, as defined under s. 97.01 (1g), of not more than 2 complimentary 4-fluid-ounce glasses of wine per day to a person renting a room at the bed and breakfast establishment for consumption on the premises of the bed and breakfast establishment.

History: 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16; 2007 a. 9, 85, 216; 2011 a. 179, 200; 2013 a. 20; 2015 a. 55; 2023 a. 73.

125.07 Underage and intoxicated persons; presence on licensed premises; possession; penalties.

(1) ALCOHOL BEVERAGES; RESTRICTIONS RELATING TO UNDERAGE PERSONS. (a) *Restrictions.* 1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. This subdivision applies at a lodging establishment, as defined in s. 106.52 (1) (d), only if the adult has furnished payment or security for lodging. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) *Penalties.* 1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

2. A person who commits a violation may be:

a. Required to forfeit not more than $500 if the person has not committed a previous violation within 30 months of the violation.

b. Fined not more than $500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.

c. Fined not more than $1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

d. Fined not more than $10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

3. A court shall suspend any license or permit issued under this chapter to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.

4. The court shall promptly mail notice of a suspension under this paragraph to the division and to the clerk of each municipality which has issued a license or permit to the person.

5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.

6. a. Notwithstanding subd. 1., in this subdivision, "violation" means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).

b. Subject to subd. 6. c., only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(2) SALES OF ALCOHOL BEVERAGES TO INTOXICATED PERSONS. (a) *Restrictions.* 1. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(b) *Penalties.* Any person who violates par. (a) shall be fined not less than $100 nor more than $500 or imprisoned for not more than 60 days or both.

(3) PRESENCE IN PLACES OF SALE; PENALTY. (a) *Restrictions.* An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or

similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

3. Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, indoor golf and baseball facilities on premises for which the only alcohol beverage license issued is a Class "B" license, axe throwing facilities on premises operated under Class "B" or "Class B" licenses, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums, music festival venues during an event with a projected attendance of at least 2,500 persons, public facilities as defined in s. 125.51 (5) (b) 1. d. which are owned by a county or municipality or centers for the visual or performing arts.

3m. Premises having an indoor volleyball court that measures at least 9 meters by 18 meters in area. The exception under this subdivision does not authorize an underage person to loiter in any room that is primarily used for the sale or consumption of alcohol beverages.

3r. Any privately owned business that exists to provide recreational fishing opportunities to the public for a fee and that is registered under s. 95.60 (3m) if the sale of alcohol beverages accounts for less than 30 percent of the business's gross receipts.

4. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 and 28, and parks owned or operated by agricultural societies.

5. Ski chalets, golf courses and golf clubhouses, racetracks licensed under ch. 562, curling clubs, private soccer clubs and private tennis clubs.

6. Premises operated under both a Class "B" or "Class B" license or permit and a license under s. 97.30 for a restaurant where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a license under s. 97.30 for a restaurant, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

6m. Premises operating under both a "Class C" license and a license under s. 97.30 for a restaurant.

7. An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.

8. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

9. A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

10. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license or operator's permit shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision.

11. An underage person who enters or remains in a dance hall or banquet or hospitality room attached to Class "B" or "Class B" licensed premises for the purpose of attending a banquet, reception, dance, or other similar event.

12. An underage person who enters and remains on premises for which a temporary Class "B" license is issued under s. 125.26 (6) if the licensee is authorized by the official or body of the municipality that issued the license to permit underage persons to be on the premises under s. 125.26 (6) and if the licensee permits underage persons to be on the premises.

12m. An underage person who enters and remains on premises covered by a temporary "Class B" license issued as provided in s. 125.51 (10) (b) if all of the following apply:

a. The municipal governing body issuing the license, or an official or body authorized by the municipal governing body, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

b. The licensee permits, on the licensed premises, unaccompanied underage persons to be present only for the purpose of acting as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify these underage persons as designated drivers.

c. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified in subd. 12m. b.

13. An underage person who enters or remains in a banquet or hospitality room on brewery premises for the purpose of attending a brewery tour.

14. An underage person who enters or remains on licensed premises at the Eagle Ridge Festival Grounds in the city of Chippewa Falls.

15. An underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

16. An underage person who enters or remains in a banquet or hospitality room on winery premises for the purpose of attending a winery tour.

17. Premises for which a Class "B" permit is issued under s. 125.27 (5) or a "Class B" permit is issued under s. 125.51 (5) (f).

(b) *Penalties.* A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed

premises in violation of par. (a) is subject to a forfeiture of not more than $500.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES. (a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.

2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3) (a).

4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer or brewpub.

2. A fermented malt beverages wholesaler.

3. A permittee other than a Class "B" or "Class B" permittee.

4. A facility for the production of alcohol fuel.

5. A retail licensee or permittee under the conditions specified in s. 125.32 (2) or 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer.

6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(bs) Subject to sub. (5), any person violating par. (a) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than $250 nor more than $500, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than $300 nor more than $500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than $500 nor more than $750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than $750 nor more than $1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

(c) Subject to sub. (5), any person violating par. (b) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than $100 nor more than $200, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than $200 nor more than $300, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than $300 nor more than $500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than $500 nor more than $1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

(cd) For purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a single violation.

(cg) 1. A supervised work program ordered under par. (bs) or (c) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bs) or (c), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the person to perform community service work under par. (bs) or (c).

2. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other

community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(cm) When a court revokes or suspends a person's operating privilege under par. (bs) or (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(d) A person who is under 17 years of age on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

(e) 1. In this paragraph, "defendant" means a person found guilty of violating par. (a) or (b) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (bs) or (c), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed, except that the court may not stay, suspend or modify the suspension of a person's operating privilege required under par. (bs) or (c). The order under this subdivision shall require the defendant to do any of the following:

a. Submit to an alcohol abuse assessment that conforms to the criteria specified under s. 938.547 (4) and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.

b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under subd. 2. a. recommends treatment.

c. Participate in a court-approved alcohol abuse education program.

3. If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under subd. 2. a. and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.

4. If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under par. (bs) or (c), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

5. If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under par. (bs) or (c) should be imposed.

(f) 1. Except as provided in subd. 2., and subject to subds. 3. to 5., if an underage person engages in conduct that violates par. (a) on the premises of a licensee, the licensee may bring a civil action against the underage person. If judgment is entered in favor of the licensee, the court shall award to the licensee damages in the amount of $1,000 and, notwithstanding s. 814.04 (1), the costs of the action. A licensee may bring an action under this paragraph regardless of whether the underage person has been convicted of, or received a citation for, the violation of par. (a), but the licensee has the burden of proving, by a preponderance of the evidence, that the underage person's conduct was in violation of par. (a).

2. If the underage person who engages in conduct that violates par. (a) on the licensee's premises is less than 18 years of age and is not an emancipated minor, the licensee may bring the civil action against the underage person's parent, as defined in s. 46.56 (1) (j).

3. A licensee may not bring a civil action under this paragraph unless the licensee has first provided notice to the underage person or the underage person's parent, as applicable, of the licensee's intent to bring the action. The notice shall be mailed to the last-known address of the underage person or underage person's parent, as applicable, at least 15 days prior to filing the action and shall include a demand for the relief described in subd. 1. The division may, by rule, prescribe a form for this notice.

4. A licensee may not bring a civil action under this paragraph if the licensee has been convicted of, or received a citation for or been charged with, a violation of sub. (1) or (3) related to the same incident, occurrence, or conduct giving rise to the underage person's violation of par. (a), unless the licensee is entitled to a defense under sub. (6). A licensee that asserts a defense under sub. (6) has the burden of proving the defense by a preponderance of the evidence.

5. A licensee may not bring a civil action under this paragraph unless the licensee or the licensee's employee reports to law enforcement the conduct suspected to be in violation of par. (a) at or near the time that the conduct occurs or is first discovered.

(5) REQUESTS FOR EMERGENCY ASSISTANCE. (a) In this subsection:

1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime or is a witness, as defined in s. 940.41 (3), to the alleged crime.

1m. "Crime" means a violation under s. 940.22 (2), 940.225, 940.302, or 944.06, or a crime under ch. 948 that involves sexual contact or sexually explicit conduct.

2. "Crime victim" means a person who claims to have been the victim of a crime.

(b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b), nor may an underage person's pretrial release, probation, extended supervision, parole, or supervised release be revoked based on a violation of sub. (4) (a) or (b), if all of the following apply:

1. The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance in connection with the alleged crime, by dialing the telephone number "911" or by other means, the underage person encountered a law enforcement officer at a medical facility at the time that the crime victim received treatment in connection with the alleged crime, or the underage person reported or disclosed the alleged crime with the intent to obtain assistance for the crime.

2. The underage person remains at the scene until emergency

assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing all requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility as a result of reporting or disclosing the alleged crime with the intent to obtain assistance for the crime, the underage person cooperates with the officer and furnishes all requested information, unless the underage person lacks capacity to cooperate with the officer.

(c) Paragraph (b) does not apply to an underage person who requests assistance with an intention to claim the protections under par. (b) and knowing that the fact situation that he or she reports does not exist.

(6) DEFENSES. In determining whether or not a licensee or permittee has violated subs. (1) (a) and (3) (a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented that he or she had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under par. (a) with documentation that he or she had attained the legal drinking age.

(7) BOOK KEPT BY LICENSEES AND PERMITTEES. (a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of sub. (6). The licensee or permittee or his or her employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that he or she has attained the legal drinking age, if the person's age is in question.

2. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.

(b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

History: 1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77, 334; 1997 a. 35, 84, 98, 100, 205, 337; 1999 a. 109; 2003 a. 246; 2005 a. 50; 2007 a. 8, 20; 2011 a. 32; 2013 a. 65, 249; 2015 a. 8, 55, 62, 88, 221, 279, 339; 2017 a. 7, 126; 2021 a. 39; 2023 a. 73; 2025 a. 90.

A vendor who negligently sells to an underage person may be liable for acts of the intoxicated underage person. Sorensen v. Jarvis, 119 Wis. 2d 627, 350 N.W.2d 108 (1984).

A host who negligently furnished alcohol to an underage guest was negligent per se and liable for injuries to a third party arising out of the guest's intoxication. Koback v. Crook, 123 Wis. 2d 259, 366 N.W.2d 857 (1985).

Sub. (1) (a) prohibits underage persons, as well as adults, from providing alcoholic beverages to underage persons. Smith v. Kappel, 147 Wis. 2d 380, 433 N.W.2d 588 (Ct. App. 1988).

The purpose of sub. (3) is not to avoid the likelihood that a minor who enters a licensed premises will subsequently commit an off-premises assault; a licensee who violates sub. (3) is not negligent per se if such an assault occurs. Symes v. Milwaukee Mutual Insurance Co., 178 Wis. 2d 564, 505 N.W.2d 143 (Ct. App. 1993).

Sub. (6) provides two lines of defense: the defendant can produce any factors believed relevant including those listed in sub. (6) (a) to (d) or can produce evidence meeting all four elements of sub. (6) (a) to (d), which if proven constitutes an absolute defense. City of Oshkosh v. Abitz, 187 Wis. 2d 202, 522 N.W.2d 258 (Ct. App. 1994).

In order to "knowingly permit" consumption by an underage person under sub. (1) (a) 3., there must be evidence, or a reasonable inference from evidence, that the person knew or should have known that drinking would occur. Miller v. Thomack, 204 Wis. 2d 242, 555 N.W.2d 130 (Ct. App. 1996), 95-1684.

An individual who contributes money for the intent of purchasing alcohol knowing that it will be consumed by an underage person "procures" alcohol for the underage person. Miller v. Thomack, 210 Wis. 2d 650, 563 N.W.2d 891 (1997), 95-1684.

Underage drinkers are not accompanied by a parent for the purposes of sub. (1) (a) merely because the parent and child are on the same premises. Parents who held a party and told their son not to drink where he could be observed by the other guests and who did not know how much their son drank were neither supervising nor otherwise controlling their son when he was drinking and were thus not accompanying him. Mueller v. McMillian Warner Insurance Co., 2005 WI App 210, 287 Wis. 2d 154, 704 N.W.2d 613, 05-0121.
Affirmed on other grounds. 2006 WI 54, 290 Wis. 2d 571, 714 N.W.2d 183, 05-0121.

A county's social host ordinance did not strictly comply with this section because it applied to the host's residence. Under sub. (1) (a) 3.: "No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control." "Premises" is defined under s. 125.02 (14m) as "the area described in a license or permit." The definition limits sub. (1) (a) 3. to areas described in a license or permit—not a private residence. There is no textual basis to depart from basic statutory construction: the defined term must be given effect. County of Fond du Lac v. Muche, 2016 WI App 84, 372 Wis. 2d 403, 888 N.W.2d 12, 15-2223.

The exemption for "bowling centers" under sub. (3) (a) 3. includes all areas within a bowling center. Nothing in the plain language of the statute supports the city's argument that the exemption excludes any portion of a bowling center that is dedicated primarily to the sale or consumption of alcohol. City of Stoughton v. Olson, 2020 WI App 69, 394 Wis. 2d 325, 950 N.W.2d 852, 19-1872.

Liquor Liability and Blame-Shifting Defenses: Do They Mix? Kelly. 69 MLR 217 (1986).

Imposition of Liability on Social Hosts in Drunk Driving Cases: A Judicial Response Mandated by Principles of Common Law and Common Sense. Goldberg. 69 MLR 251 (1986).

Social Host Liability for Underage Drinking. Hinkston. Wis. Law. June 2008.

125.075 Injury or death by providing alcohol beverages to a minor. (1) Any person who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to a person under 18 years of age in violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if:

(a) The person knew or should have known that the underage person was under the legal drinking age; and

(b) The underage person dies or suffers great bodily harm, as defined in s. 939.22 (14), as a result of consuming the alcohol beverages provided in violation of s. 125.07 (1) (a) 1. or 2.

(1m) In determining under sub. (1) (a) whether a person knew or should have known that the underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, a person has a defense to criminal liability under sub. (1) if all of the following occur:

(a) The underage person falsely represents that he or she has attained the legal drinking age.

(b) The underage person supports the representation under par. (a) with documentation that he or she has attained the legal drinking age.

(c) The alcohol beverages are provided in good faith reliance on the underage person's representation that he or she has attained the legal drinking age.

(d) The appearance of the underage person is such that an ordinary and prudent person would believe that he or she had attained the legal drinking age.

(2) (a) Whoever violates sub. (1) is guilty of a Class H felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

(b) Whoever violates sub. (1) is guilty of a Class G felony if the underage person dies.

History: 1987 a. 335; 1989 a. 253; 1997 a. 283; 2001 a. 109.

The reference in sub. (1) to a single minor or underage person does not preclude its application to a defendant who procures alcohol beverages for a group of persons that the defendant knew or should have known were underage persons. It would be unreasonable to interpret sub. (1) as requiring a personal interaction between the defendant and the victim, or as requiring that the defendant have knowledge that a particular underage person would consume the alcohol procured by the defendant. State v. Wille, 2007 WI App 27, 299 Wis. 2d 531, 728 N.W.2d 343, 05-2839.

125.085 Proof of age. (1) DEFINITION. In this section, "official identification card" means any of the following:

(a) A valid operator's license issued under ch. 343 that contains the photograph of the holder.

(b) An identification card issued under s. 343.50.

(c) An identification card issued under s. 125.08, 1987 stats.

(d) A valid military identification card issued to a member of the U.S. armed forces, or forces incorporated as part of the U.S. armed forces, that contains the person's photograph and date of birth.

(e) A valid U.S. passport.

(f) A valid identification card issued by a federally recognized American Indian tribe or band in this state that contains the card holder's photograph, full name, address, and date of birth.

(2) USE. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. Any licensee or permittee under this chapter 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. Nothing in this subsection requires a licensee or permittee to accept any form of identification that does not appear to be valid or authentic or appears altered.

(3) PENALTIES FOR FALSIFICATION OF PROOF OF AGE. (a) 1. No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person. Except as provided in subds. 2. and 3., any person who violates this subdivision may be fined not less than $300 nor more than $1,250 or imprisoned for not less than 10 days nor more than 30 days or both.

2. Any person who violates subd. 1. for money or other consideration is guilty of a Class I felony.

3. Subdivisions 1. and 2. do not apply to a person who is authorized to make an official identification card under ch. 343 or under authority of a tribal government.

(b) Any underage person who does any of the following is guilty of a violation:

1. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

2. Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.

3. Presents false information to an issuing officer in applying for an official identification card.

4. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

(bd) Any underage person who violates par. (b) is subject to a forfeiture of not less than $300 nor more than $1,250, suspension of the person's operating privilege under s. 343.30 (6) (bm), participation in a supervised work program or other community service work under par. (bh) or any combination of these penalties.

(bh) 1. A supervised work program ordered under par. (bd) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bd), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the person to perform community service work under par. (bd).

2. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(bp) When a court suspends a person's operating privilege under par. (bd), the department of transportation may not disclose information concerning or relating to the suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(bt) A person who is under 17 years of age on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

(c) A law enforcement officer investigating an alleged violation of par. (b) shall confiscate any official identification card or other documentation that constitutes evidence of the violation.

History: 1989 a. 31, 253, 336; 1991 a. 39; 1995 a. 77; 1997 a. 27, 35, 205, 283; 2001 a. 109; 2007 a. 20, 164; 2017 a. 226.

125.09 General restrictions. (1) PUBLIC PLACE. (a) No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the property of the public place, unless the person has an appropriate retail license or permit or a no-sale event venue permit.

(b) For purposes of par. (a), a public place includes a venue, location, open space, room, or establishment that is any of the following:

1. Accessible and available to the public to rent for an event or social gathering.

2. Held out for rent to the public for an event or social gathering.

3. Made available for rent to a member of the public for an event or social gathering.

(c) For purposes of par. (a), a public place does not include any of the following:

1. A room in a hotel, motel, or bed and breakfast that is used for overnight accommodations.

2. Vacation rental property, or any other property of temporary lodging, that is used for overnight accommodations if the property is furnished with sufficient beds for all adult guests to sleep.

3. A campsite on a campground licensed under s. 97.67.

4. A parking lot, driveway, or yard where vehicles may be parked on the same day as a professional or collegiate sporting event or other ticketed event open to the public.

5. Property within a local professional football stadium district created under subch. IV of ch. 229 if the property is used in connection with, and on the same day as, a professional football game, or other ticketed event open to the public, held at the football stadium.

6. Property within a local professional baseball park district created under subch. III of ch. 229 if the property is used in connection with, and on the same day as, a professional baseball game, or other ticketed event open to the public, held at the baseball park.

(d) This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

(2) POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED. (a) In this subsection:

1. "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.

2. "School" means a public school, a parochial or private school, or a tribal school, as defined in s. 115.001 (15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.

3. "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

4. "School premises" means premises owned, rented or under the control of a school.

(b) Except as provided by par. (c) no person may possess or consume alcohol beverages:

1. On school premises;

2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or

3. While participating in a school-sponsored activity.

(c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws, ordinances and school board policies.

(d) A person who violates this subsection is subject to a forfeiture of not more than $200, except that ss. 125.07 (4) (c) and (d) and 938.344 provide the penalties applicable to underage persons.

(3) PLACE-TO-PLACE DELIVERIES. No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(6) MUNICIPAL STORES. No municipality may engage in the sale of alcohol beverages, except as authorized under s. 125.26 (6). This subsection does not apply to municipal stores in operation on November 6, 1969.

(7) MUNICIPALITY PROVIDING IDENTIFICATION SCANNERS. No municipality may provide, to any retail licensee under this chapter, any device capable of scanning an official identification card, as defined in s. 125.085 (1) (a) and (b).

(8) ALCOHOL VAPOR DEVICES. No person may use or offer for use, possess, or sell or offer for sale in this state an alcohol vapor device.

History: 1981 c. 79, 158; 1983 a. 74; 1985 a. 218; 1995 a. 77; 2009 a. 302, 395; 2013 a. 106, 215; 2023 a. 73.

Former s. 125.09, 1989 stats., does not prohibit the consumption of alcohol beverages by bed and breakfast proprietors, their friends, or their personal guests in areas that are off-limits to the public or to renters. 80 Atty. Gen. 218.

125.10 Municipal regulation. (1) AUTHORIZATION. Any municipality may enact regulations incorporating any part of this chapter and may prescribe additional regulations for the sale of alcohol beverages, not in conflict with this chapter. The municipality may prescribe forfeitures or license suspension or revocation for violations of any such regulations. Regulations providing forfeitures or license suspension or revocation must be adopted by ordinance. Any municipality may, by ordinance, regulate contests, competitions, or other events for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages.

(2) REGULATION OF UNDERAGE PERSONS. A municipality or a county may enact an ordinance regulating conduct regulated by s. 125.07 (1) or (4) (a), (b) or (bm), 125.085 (3) (b) or 125.09 (2) only if it strictly conforms to the statutory subsection. A county ordinance enacted under this subsection does not apply within any municipality that has enacted or enacts an ordinance under this subsection.

(3) ZONING. Except as provided in s. 125.68, this chapter does not affect the power of municipalities to enact or enforce zoning regulations.

(4) REGULATION OF CLOSED RETAIL PREMISES. A municipality may not prohibit the permittee, licensee, employees, salespersons, employees of wholesalers issued a permit under s. 125.28 (1) or 125.54 (1); employees of permittees under s. 125.295 with respect to the permittee's own retail premises; or service personnel from being present on premises operated under a Class "A", "Class A" or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business if those persons are performing job-related activities.

(5) FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A municipality may, by ordinance, prohibit the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

(b) Notwithstanding sub. (1), an ordinance enacted before January 1, 2014, regulating the possession or consumption of open containers of alcohol beverages in public places may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. An ordinance that is inconsistent with this paragraph may not be enforced.

History: 1981 c. 79, 202; 1983 a. 74 ss. 19, 32; 1985 a. 28 ss. 5, 9; 1987 a. 168; 1989 a. 31, 253; 1991 a. 39; 1993 a. 208; 2007 a. 20; 2011 a. 32, 200; 2013 a. 106; 2015 a. 372.

This chapter contemplates and expressly directs that regulation is to supersede competition in the retail sale of alcohol beverages. The regulatory scheme indicates a legislative intent to make state antitrust law not applicable by authorizing contrary or inconsistent conduct by granting municipalities broad statutory authority to prescribe or orchestrate anticompetitive regulation in the sale and consumption of alcohol if that regulation serves an important public interest. Private parties are eligible for antitrust immunity when they act in concert, in an anticompetitive manner, in direct response to pressure bordering on compulsion from a municipality. Eichenseer v. Madison-Dane County Tavern League, Inc., 2008 WI 38, 308 Wis. 2d 684, 748 N.W.2d 154, 05-1063.

A town must renew a license, if the proper application is made and the fees are paid, unless it revokes, suspends, or non-renews the license, following the procedures outlined in s. 125.12. This section does not give towns the authority to unilaterally modify the described premises in an individual license upon renewal of that license. A town must either pass a regulation or an ordinance under this section or it must find grounds for revocation or nonrenewal under s. 125.12. Wisconsin Dolls, LLC v. Town of Dell Prairie, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

125.105 Impersonating an officer. (1) No person may impersonate an inspector, agent or other employee of the division or of the department of justice.

(2) (a) Whoever violates sub. (1) with the intent to mislead another may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

(b) Whoever violates sub. (1) to commit, or abet the commission of, a crime is guilty of a Class H felony.

History: 1989 a. 253; 1997 a. 283; 2001 a. 109; 2023 a. 73.

125.11 Penalties. (1) GENERAL PENALTY. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be fined not more than $1,000 or imprisoned for not more than 90 days or both. Any license or permit issued to the person under this chapter may be revoked by the court.

(2) FELONY. If a person is convicted of a felony under this chapter, in addition to the penalties provided for the felony, the court shall revoke any license or permit issued to the person under this chapter.

(3) INSPECTION VIOLATION. Any person who refuses to permit an examination of premises as provided in s. 125.025 (3) shall be fined not more than $500 nor less than $50, or imprisoned not more than 90 days nor less than 10 days or both, and any license or permit issued to that person may be revoked.

History: 1981 c. 79; 1985 a. 120, 302; 1989 a. 253; 2023 a. 73.

125.115 Responsibility for commission of a crime. (1) A person may be convicted of the commission of a crime under this chapter only if the criteria specified in s. 939.05 exist.

(2) This section does not apply to civil forfeiture actions for violation of any provision of this chapter or any local ordinance in conformity with any provision of this chapter.

History: 1985 a. 47.

125.12 Revocations, suspensions, refusals to issue or renew. (1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE. (a) Except as provided in this subsection, any municipality or the division may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b) 1. In this paragraph, "violation" means a violation of s. 125.07 (1) (a), or a local ordinance that strictly conforms to s. 125.07 (1) (a).

2. No violation may be considered under this section or s. 125.04 (5) (a) 1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04 (5) (a) 1.

(c) Neither a municipality nor the division may consider an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew a Class "B" or "Class B" license or permit.

(2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES. (ag) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

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 a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

7. The person received the benefit from an act prohibited under s. 125.33 (11).

(ar) *Summons.* Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b) *Procedure on hearing.* 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51 (4) (v), the license shall be revoked.

3. If the hearing is held before a committee of a city council,

the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).

(c) *Effect of revocation.* When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d) *Judicial review.* The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

(3) REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES. A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(3m) REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES. If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

(4) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DIVISION. (ag) *Complaint.* A duly authorized employee of the division may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:

1. That the licensee has violated this chapter.

2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.

3. That the licensee has sold alcohol beverages to known habitual drunkards.

4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.

5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.

6. That the licensee does not possess the qualifications required under this chapter to hold the license.

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 a substantially similar federal law or a substantially similar law of another state.

7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65.

8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

9. That the licensee has shipped alcohol beverages to any person in another state in violation of that state's law.

(ar) *Summons.* Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.

(b) *Procedure on hearing.* If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51 (4) (v), it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the com-

plaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51 (4) (v), the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

(c) *Effect of revocation or suspension.* When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. Whenever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.

(5) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DIVISION. (a) The division may, after notice and an opportunity for hearing, revoke, suspend, or refuse to renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of s. 125.535 or 139.035, the division shall revoke the permit, and the division shall revoke a fulfillment house permit as provided in s. 125.23 (6) (b) and may revoke a common carrier permit as provided in s. 125.22 (3) (b).

(b) The division may, after notice and an opportunity for hearing, revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51 (5) (f) 2. if the person's designation has terminated or the owner or operator of the racetrack grounds has otherwise rescinded the person's designation.

(bm) The division may, after notice and an opportunity for hearing, revoke, suspend, or refuse to renew any permit issued by it under this chapter if the permittee has shipped alcohol beverages to any person in another state in violation of that state's law.

(c) A revocation, suspension, or refusal to renew a permit under par. (a), (b), or (bm) is a contested case under ch. 227.

(6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS. (a) Any person may file a sworn written complaint with the division alleging that an intoxicating liquor wholesaler has violated s. 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint and sufficient facts for the division to determine whether there is cause to find that a violation has occurred. The division shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.

(b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the division under s. 227.44.

(c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the division shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The division shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.

(cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the division shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48, the division shall provide a copy of the decision to the complainant.

(d) 1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the division may extend the time period for making a decision under par. (c) by an additional 60 days if the division provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.

2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the division may extend the time period for conducting the hearing by an additional 45 days if the division provides notice within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.

(dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the division may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the division determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If the division files a complaint in circuit court as provided under this paragraph, the division shall not conduct a hearing under par. (cm) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).

(e) If the division finds the allegations under par. (a) true and sufficient, the division shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.

(f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

(7) REAPPLICATION FOR PERMIT AFTER REVOCATION. If the division revokes any permit issued under this chapter, the applicant or permit holder may not reapply for the permit for a period of 6 months after the date of the revocation.

History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12; 2021 a. 39; 2023 a. 73, 146.

Discussing due process and equal protection rights of licensees. Tavern League of Wisconsin v. City of Madison, 131 Wis. 2d 477, 389 N.W.2d 54 (Ct. App. 1986).

A license never should have been issued when a notice of application had not

been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under this section, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. Williams v. City of Lake Geneva, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Notices sent by the city did not violate the requirement in sub. (3) that the "council shall notify the licensee in writing of the municipality's intention not to renew the license" because they stated that "there is a possibility that your application may be denied." As the matter cannot be affirmatively decided before the hearing, it is of course only a possibility that the applicant's license will not be renewed at the time the notice is sent. Questions, Inc. v. City of Milwaukee, 2011 WI App 126, 336 Wis. 2d 654, 807 N.W.2d 131, 10-0707.

A town must renew a license, if the proper application is made and the fees are paid, unless it revokes, suspends, or non-renews the license, following the procedures outlined in this section. Section 125.10 (1) does not give towns the authority to unilaterally modify the described premises in an individual license upon renewal of that license. A town must either pass a regulation or an ordinance under s. 125.10 or it must find grounds for revocation or nonrenewal under this section. Wisconsin Dolls, LLC v. Town of Dell Prairie, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

Acting upon a citizen complaint to revoke a liquor license that was not sworn, as required under sub. (2) (ag), constituted a fundamental error that deprived the licensing committee of jurisdiction over the matter. Park 6 LLC v. City of Racine, 2012 WI App 123, 344 Wis. 2d 661, 824 N.W.2d 903, 11-2282.

Certiorari is the correct standard of review for a court to apply when, pursuant to sub. (2) (d), it reviews a municipal decision not to renew an alcohol license. Nowell v. City of Wausau, 2013 WI 88, 351 Wis. 2d 1, 838 N.W.2d 852, 11-1045.

Sub. (2) (a) 2.'s prohibition of operating a disorderly house was not unconstitutionally vague as applied in this case. The statute's legislative purpose concerns the health and safety of the public and its enforcement is aimed at public health. There was no doubt that the conduct cited in this case was disorderly, riotous, indecent, or improper. Such behavior falls squarely within the ambit of the statute, particularly given the public health and safety concerns involved. Hegwood v. City of Eau Claire, 676 F.3d 600 (2012).

125.13 Report of suspension, revocation, or imposition of penalty. Whenever a municipal governing body or court revokes or suspends a license or permit or imposes a penalty on a licensee or permittee for the violation of this chapter, the clerk of the municipality or court revoking or suspending the license or imposing the penalty shall, within 10 days after the revocation, suspension, or imposition of penalty, mail a report to the division at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises, and a full description of the penalty imposed.

History: 1981 c. 79; 2023 a. 73.

125.14 Enforcement provisions. (1) ARREST. Subject to s. 175.38, any peace officer may arrest without warrant any person committing in his or her presence a violation of this chapter or ch. 139 and may, without a search warrant, seize any personal property used in connection with the violation.

(2) CONFISCATION; DISPOSAL. (a) *Contraband.* All alcohol beverages owned, possessed, kept, stored, manufactured, sold, distributed or transported in violation of this chapter or ch. 139 and all personal property used in connection therewith is unlawful property and may be seized by any peace officer. Any peace officer confiscating personal property under this section may proceed under this section.

(c) *Identification.* Any person seizing alcohol beverages or personal property and electing to dispose of it under this subsection shall exercise reasonable diligence to ascertain the name and address of the owner of the alcohol beverages or property and of all persons holding a security interest in the property seized. The person shall report his or her findings in writing to the division.

(d) *Order.* Upon conviction of any person for owning, possessing, keeping, storing, manufacturing, selling, distributing, or transporting alcohol beverages in violation of this chapter or ch. 139, the court shall order part or all of the alcohol beverages or personal property seized to be destroyed if it is unfit for sale. Alcohol beverages and other personal property fit for sale shall be turned over to the division for disposition. Upon receipt of the confiscated property, the division shall exercise reasonable diligence to ascertain the names and addresses of all owners of the property and of all persons holding a security interest in the property. If a motor vehicle is confiscated, the division shall obtain the written advice of the department of transportation as to the ownership of the motor vehicle and shall make a reasonable search for perfected security interests in the vehicle.

(e) *Disposal.* The division shall dispose of the alcohol beverages turned over to it by the court by either giving it to law enforcement agencies free of charge for use in criminal investigations, selling it to the highest bidder if the bidder is a person holding a license or permit issued under this chapter, or destroying it, at the discretion of the division. If the division elects to sell the alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids from qualified bidders. Any items or groups of items in the inventory subject to a security interest, the existence of which was established in the proceedings for conviction as being bona fide and as having been created without the secured party having notice that the items were being used or were to be used in connection with the violation, shall be sold separately. The net proceeds from the sale, less all costs of seizure, storage, and sale, shall be turned over to the secretary of administration and credited to the common school fund.

(f) *Sale.* Any personal property, other than alcohol beverages, seized under par. (a) and fit for sale, shall be turned over by the division to the department of administration for disposal at public auction to the highest bidder, at a time and place stated in a notice of sale which describes the property to be sold. The sale shall be held in a conveniently accessible place in the county where the property was confiscated. A copy of the notice shall be published as a class 2 notice under ch. 985. The last insertion shall be at least 10 days before the sale. The division shall serve a copy of the notice of sale at least 2 weeks before the date thereof on all persons who are or may be owners or holders of security interests in the property. Any confiscated property worth more than $100 shall be sold separately, and the balance of the confiscated property shall be sold in bulk or separately at the discretion of the department of administration. The net proceeds from the sale, less all costs of seizure, storage, and sale, shall be turned over to the secretary of administration. No motor vehicle or motorboat confiscated under this section may be sold within 30 days after the date of seizure.

(3) RECOVERY OF CONFISCATED PROPERTY. (a) *Application.* Prior to sale under sub. (2) (f), the owner of confiscated property may apply to a court of record in the county where the property was seized for an order restoring the property to the owner. After the sale, the owner may apply to the court for a refund of the amount realized on the sale. After the sale, any holder of a security interest in the property may apply to the court for a refund of the sum realized on the sale of property subject to the security interest, but not more than the amount due under the security agreement.

(b) *Deadline.* The application shall be made within one year after the sale of the property. A copy of the application and the order setting a hearing on it shall be served on the division at least 20 days before the date set for hearing.

(c) *Grounds.* Relief shall be granted only after a showing by the applicant that he or she is the true owner or holder of a bona fide security interest in the property seized; that the violation which led to the confiscation was not with his or her knowledge, consent or connivance; and, that he or she had no reasonable grounds to believe or suspect that the property would be used in a violation.

(d) *Costs.* The court may determine whether the applicant shall pay the costs of seizure and sale as a condition of obtaining relief. Allowance of costs and disbursements shall be within the discretion of the court.

(5) NUISANCES. Any building or place where alcohol bever-

ages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this chapter or ch. 139, or where persons are permitted to drink alcohol beverages in violation of this chapter is a public nuisance and may be closed until the activity in violation of this chapter is abated. When the activity is abated, the building or place may be used for any lawful purpose.

(6) PROCEDURE. (a) *Form of complaint.* In a prosecution for a violation of a statute relating to the sale of alcohol beverages it is not necessary to allege in the complaint, information or indictment the kind or quantity of alcohol beverages sold or the person to whom it was sold. It is sufficient to allege generally that the defendant sold alcohol beverages at a time and place mentioned, together with a brief statement of the facts showing that the sale was a violation of this chapter.

(b) *Discovery.* In a prosecution for a violation of this chapter that may result in the imposition of a forfeiture, neither party is entitled to pretrial discovery, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed.

History: 1981 c. 79; 1989 a. 253; 1997 a. 291; 2003 a. 33; 2005 a. 22, 332; 2023 a. 73.

125.145 Prosecutions by attorney general or division. Upon request by the division, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this chapter. The division may represent this state in prosecuting any violation of s. 125.54 (7) (a) or (b) and shall bring any such action in the circuit court for Dane County.

History: 1985 a. 302; 2005 a. 25; 2023 a. 73.

125.15 Actions against intoxicating liquor wholesalers. (1) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or permittee, or intoxicating liquor trade association that makes a written complaint to the division under s. 125.12 (6) of a violation of s. 125.54 (7) (a) may bring an action to enforce the provisions of s. 125.54 (7) if any of the following apply:

(a) The division has not rendered a decision within the time periods specified in s. 125.12 (6) (c) to (d).

(b) The division has rendered a decision under s. 125.12 (6) in which the division has determined that a violation has occurred but no action has been brought in circuit court by the division, attorney general, or a district attorney to prosecute the violation.

(2) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or permittee, or intoxicating liquor trade association that brings an action under sub. (1) shall be entitled to recover reasonable attorney fees if found to be the prevailing party.

History: 2005 a. 25; 2023 a. 73.

125.16 Actions to recover price denied. No action may be brought to recover the price of any alcohol beverages sold in violation of this chapter or ch. 139.

History: 1981 c. 79.

125.17 Issuance of operators' licenses. (1) AUTHORIZATION. Every municipal governing body shall issue an operator's license to any applicant who is qualified under s. 125.04 (5), except that the municipal governing body may by ordinance authorize a designated municipal official to issue operator's licenses. Operators' licenses may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' licenses may be issued only upon written application.

(2) VALIDITY. Operators' licenses are valid only within the issuing municipality.

(3) FEE. The municipal governing body shall establish by ordinance a fee for the operator's license. Except as provided under sub. (4), a license shall be valid for one or 2 years, as determined by the municipal governing body, and shall expire on June 30, except in 1st class cities the license shall expire on December 31.

(4) TEMPORARY LICENSE. Any municipal governing body or designated municipal official may issue a temporary operator's license under the terms of subs. (1) to (3), except that:

(a) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.

(b) No person may hold more than 2 licenses of this kind per year.

(c) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

(5) PROVISIONAL LICENSE. (a) 1. A municipal governing body that issues operators' licenses shall issue provisional operators' licenses. Subject to subd. 2., the municipal governing body may by ordinance establish standards under which provisional licenses shall be issued and shall by ordinance designate the municipal official having authority to issue them.

2. Subject to pars. (b) to (e), a municipal governing body that issues operators' licenses shall issue a provisional operator's license to a person who, at the time of application for an operator's license under sub. (1) and payment of the fee under sub. (3), files a certified copy of a valid operator's license issued by another municipality.

(b) A provisional license may be issued only to a person who has applied for an operator's license under sub. (1). A provisional license may not be issued to any person who has been denied a license under sub. (1) by the municipal governing body or designated municipal official.

(c) The municipal governing body shall establish the fee for a provisional license. The fee may not exceed $15.

(d) 1. Except as provided in subd. 2., a provisional license expires 60 days after its issuance or when a license under sub. (1) is issued to the holder, whichever is sooner.

2. A provisional license issued under par. (a) 2. expires as provided under subd. 1. or upon expiration of the operator's license issued by another municipality and filed under par. (a) 2., whichever is sooner.

(e) The official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application or, if the provisional license is issued under par. (a) 2., if the official determines that the operator's license issued by another municipality and filed under par. (a) 2. is not valid or upon denial of the person's application for an operator's license under sub. (1).

(6) TRAINING COURSE. (a) Except as provided in par. (b), no municipal governing body or designated municipal official may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the division or the department of safety and professional services, or unless the applicant fulfills one of the following requirements:

1. The person is renewing an operator's license.

2. Within the past 2 years, the person held a Class "A",

"Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

3. Within the past 2 years, the person has completed such a training course.

(b) A municipal governing body or designated municipal official shall issue a provisional operator's license to a person who is enrolled in a training course under par. (a) and who meets the standards established by the municipality by ordinance, if any. The municipal governing body shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(c) No municipal governing body may require that applicants for operators' licenses undergo training in addition to that under par. (a) but may require applicants to purchase at cost materials that deal with relevant local subjects not covered in the course under par. (a).

History: 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59; 2019 a. 166; 2023 a. 73.

125.175 Issuance of operators' permits. (1) Subject to sub. (4), the division shall issue an operator's permit to any applicant who is qualified under s. 125.04 (5). Operators' permits may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' permits may be issued only upon written application.

(2) Operators' permits are valid in all municipalities in this state.

(3) The division shall establish a fee for issuance or renewal of an operator's permit and shall determine whether the permit shall be valid for one or 2 years.

(4) (a) The division may not issue an operator's permit unless the applicant satisfies the criteria for issuance of an operator's license specified in s. 125.17 (6) (a). In applying these criteria to an applicant who holds or previously held an operator's permit or an operator's license, the division shall treat as synonymous operators' permits and operators' licenses.

(b) The division may not require applicants for operators' permits to undergo training in addition to that specified in s. 125.17 (6) (a) but may require applicants to purchase at cost materials that deal with relevant subjects not covered in the course under s. 125.17 (6) (a).

History: 2023 a. 73.

125.18 Issuance of managers' licenses. (1) AUTHORIZATION. A municipal governing body may provide by ordinance for the issuance of managers' licenses. Managers' licenses may not be required other than for the purpose of complying with ss. 125.32 (1) and 125.68 (1). Managers' licenses may be issued only upon written application.

(2) VALIDITY. Managers' licenses are valid only within the issuing municipality.

(3) FEE. The municipal governing body may establish by ordinance a fee for the manager's license, but the fee may not exceed $25 per year. The license shall be valid for no more than one year and shall expire on June 30.

History: 1981 c. 79, 391.

125.185 Provisional retail licenses. (1) A municipal governing body that issues licenses authorizing the retail sale of fermented malt beverages, intoxicating liquor or wine shall issue provisional retail licenses. The municipal governing body may by ordinance establish standards under which provisional retail licenses shall be issued and shall by ordinance designate the municipal official having authority to issue provisional retail licenses.

(2) A provisional retail license may be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes.

(3) The municipal governing body shall by ordinance establish the fee for a provisional retail license. The fee may not exceed $15.

(4) A provisional retail license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder, whichever is sooner. The official who issued the provisional retail license may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

(5) Notwithstanding sub. (1), a municipal official may not issue a provisional "Class B" license if the municipality's quota under s. 125.51 (4) prohibits the municipality from issuing a "Class B" license.

(6) No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

History: 1995 a. 23.

125.19 Alcohol beverage warehouse permit. (1) ISSUANCE. The division shall issue an alcohol beverage warehouse permit which authorizes the permittee to store and warehouse alcohol beverages in warehouse premises covered by the permit, subject to rules adopted by the division. The permit does not authorize the sale of any alcohol beverages.

(2) ELIGIBILITY. Alcohol beverage warehouse permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

History: 1981 c. 79; 1993 a. 259; 1995 a. 27; 2023 a. 73.

125.20 Interest restrictions. (1) DEFINITIONS. In this section:

(a) "Distribution permit" means a permit issued under s. 125.28 or 125.54.

(b) "Distribution permittee" means a person holding a distribution permit and includes a restricted individual of such a person.

(c) "Production permit" means a permit issued under s. 125.29, 125.295, 125.52, or 125.53, a permit issued under s. 125.30 to a brewer in another state, or a permit issued under s. 125.58 to a manufacturer, rectifier, or winery in another state.

(d) "Production permittee" means a person holding a production permit and includes a restricted individual of such a person.

(e) "Restricted individual" means any of the following:

1. An individual identified on a manager's license or who works or acts in a managerial capacity for a permittee or licensee.

2. An individual serving as an officer, director, member, manager, or agent of a corporation or limited liability company holding a permit or license.

3. An individual holding more than a 10 percent ownership interest in a permittee or licensee.

(f) "Restricted entity" means an entity holding more than a 10 percent ownership interest in a permittee or licensee.

(g) "Restricted investor" means a restricted individual or restricted entity.

(h) "Retail license or permit" means a Class "A," Class "B," "Class A," "Class B," or "Class C" license, a Class "B" or "Class B" permit, or a no-sale event venue permit.

(i) "Retail licensee or permittee" means a person holding a re-

tail license or permit and includes a restricted individual of such a person.

(2) PRODUCERS. (a) No production permittee may hold any interest in any distribution permittee.

(b) No production permittee may hold any interest in any retail licensee or permittee, except as authorized under s. 125.295.

(3) DISTRIBUTORS. (a) No distribution permittee may hold any interest in any retail licensee or permittee.

(b) No distribution permittee may hold any interest in any production permittee, except as provided in s. 125.28 (2) (d).

(4) RETAILERS. (a) No retail licensee or permittee may hold any interest in any distribution permittee.

(b) No retail licensee or permittee may hold any interest in any production permittee, except as authorized under s. 125.295.

(5) CONSTRUCTION OF SECTION; AUTHORIZED CROSS-TIER ACTIVITY. (a) For purposes of this section and s. 125.01, permittees are categorized under the 3-tier system as follows:

1. A production permittee operates within the production tier.

2. A distribution permittee operates within the distribution tier.

3. A retail licensee or permittee operates within the retail tier.

(b) This section does not prohibit a licensee or permittee from engaging in any activity that this chapter explicitly authorizes for the type of license or permit held or that is explicitly authorized under the terms of the license or permit.

(c) To the extent there is a conflict between any provision of subs. (2) to (4) and any provision of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1), the provisions of ss. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), and 125.69 (1) are controlling.

(d) If a license or permit may not be issued to a person under s. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), or 125.69 (1), the person may not acquire an interest prohibited under s. 125.24 (3), 125.25 (2) (b), 125.26 (2) (b), 125.27 (7), 125.28 (2) (b), 125.29 (2) (a), 125.295 (2) (a) 6., 125.30 (3) (c), or 125.69 (1) after the license or permit has been issued.

(6) PERMISSIBLE INTERESTS. (a) Notwithstanding subs. (2) to (4), a licensee or permittee may be owned in part by, or grant an ownership interest to, a restricted investor in a different tier if all of the following are satisfied:

1. No single restricted investor holds more than a 10 percent ownership interest in the licensee or permittee, including any passive or disregarded entity connected to the restricted investor.

2. No restricted investor serves as an officer, director, manager, operator, or agent of the licensee or permittee.

3. No restricted investor is involved in the day-to-day operations of the licensee or permittee or exerts any control over such operations beyond the person's ability to vote as an owner.

4. The aggregate amount of ownership held by all restricted investors in the licensee or permittee does not exceed 49 percent.

5. The licensee or permittee discloses all restricted investors to the division.

6. Each restricted investor executes an affidavit, on a form prescribed by the division, swearing to a complete lack of involvement in the day-to-day operations of, and lack of control over, the licensee or permittee beyond the restricted investor's ability to vote as an owner. If the restricted investor is a restricted entity, the affidavit shall be executed on behalf of the restricted entity by an individual who is an officer or director of the restricted entity or who otherwise has management authority over the restricted entity.

(b) A licensee or permittee, or a restricted individual of a licensee or permittee, may enter into a landlord-tenant relationship with another licensee or permittee operating in a different tier if all of the following are satisfied:

1. The lease or rental agreement explicitly states that the landlord has no control over or day-to-day involvement in the business of the tenant.

2. No control or involvement in the business of the tenant by the landlord exists.

3. The landlord and tenant maintain compliance with ss. 125.33 and 125.69, as applicable and subject to s. 125.33 (2) (hr), and this requirement is set forth in the lease or rental agreement.

4. The lease or rental agreement is in writing and disclosed to the division for review.

(c) Notwithstanding subs. (2) to (4), a spouse may have an interest in the license or permit of the other spouse if all of the following are satisfied:

1. The marriage is governed by a valid marital property agreement or prenuptial agreement.

2. The marital property agreement or prenuptial agreement was disclosed on any license or permit application.

3. A copy of the marital property agreement or prenuptial agreement is provided to the municipal clerk or division prior to issuance of the license or permit.

4. Both spouses execute an affidavit, on a form prescribed by the division, swearing to a complete lack of involvement in the day-to-day operations of, and lack of control over, each respective business.

(d) For purposes of subs. (2) to (4), employment in a nonmanagerial capacity for a licensee or permittee is not an interest in the licensee or permittee.

History: 2023 a. 73.

125.21 Production agreements. (1) DEFINITIONS. In this section:

(a) "Alternating proprietorship" means an arrangement in which a host producer provides use of space and equipment, and may additionally provide personnel, to a guest producer for the production of alcohol beverages.

(b) "Bottling" means placing alcohol beverages into sealed finished packages, including cans, bottles, boxes, bags, kegs, barrels, or any other packaging of finished products. When "bottle" is used as a verb, it has the same meaning as "bottling."

(c) "Contract producer" means a producer who directly manufactures, bottles, or labels alcohol beverages as an agent of a recipe producer or out-of-state recipe supplier.

(d) "Contract production" means a contract, agreement, or business arrangement described in sub. (3) (b) whereby a recipe producer or out-of-state recipe supplier provides consideration to a contract producer for the production, bottling, or labeling of alcohol beverages.

(e) "Guest producer" means a producer who enters into a contract, agreement, or business arrangement with a host producer whereby the producer has use of the host producer's premises and equipment, and may have use of the host producer's personnel, for the production of the guest producer's alcohol beverages.

(f) "Host producer" means a producer who enters into a contract, agreement, or business arrangement with a guest producer whereby the guest producer has use of the producer's premises and equipment, and may have use of the producer's personnel, for the production of the guest producer's alcohol beverages.

(g) "Licensing agreement" means an agreement between a licensor and a producer for the production of alcohol beverages containing the name, symbol, or mark of the licensor.

(h) "Out-of-state recipe supplier" means a person to whom all of the following applies:

1. The person is located in another state and produces alcohol beverages in that state.

2. The person does not hold a permit under this chapter, other than a permit issued under s. 125.30, 125.535, or 125.58.

3. The person purchases alcohol beverages from a producer that are manufactured consistently with a recipe provided by the person or are bottled or labeled for the person.

(i) "Producer" means a brewer holding a permit under s. 125.29, brewpub holding a permit under s. 125.295, winery holding a permit under s. 125.53, manufacturer holding a permit under s. 125.52, or rectifier holding a permit under s. 125.52.

(j) "Recipe producer" means a producer who purchases alcohol beverages from another producer that are manufactured consistently with a recipe provided by the recipe producer or are bottled or labeled for the recipe producer.

(2) PRODUCTION ARRANGEMENTS AUTHORIZED; AGREEMENTS BETWEEN SAME PRODUCER TYPE. (a) Production arrangements under subs. (3) to (5) are authorized as provided in this section. A permittee that enters into such a production arrangement does not act as an agent for or in the employ of another under s. 125.52 (3) or 125.53 (2), and such a production arrangement is not a prohibited interest under s. 125.20.

(b) Except as provided in sub. (3) (b) 2. and 3., agreements authorized under this section may be entered into only by producers who hold permits issued under the same section of this chapter.

(3) CONTRACT PRODUCTION. (a) An agreement for contract production shall comply with the requirements of this subsection.

(b) An agreement for contract production may be entered into between any of the following:

1. Two producers possessing the same type of permit.

2. A permittee under s. 125.29, as the contract producer, and a permittee under s. 125.295, as the recipe producer.

3. A producer and an out-of-state recipe supplier.

(c) All contract production activities shall occur pursuant to a written agreement between the contract producer and the recipe producer or out-of-state recipe supplier.

(d) 1. Except as provided in subd. 2., alcohol beverages produced under an agreement for contract production between a contract producer and a recipe producer shall count toward the production volume of the recipe producer and shall be considered, for this purpose, as produced on the recipe producer's premises.

2. Alcohol beverages produced under an agreement for contract production between a contract producer and a recipe producer may not be considered in determining production volume for purposes of ss. 125.29 (7), 125.52 (4), and 125.53 (3), but shall be considered as produced by the recipe producer for other purposes under ss. 125.29 (7), 125.52 (4), and 125.53 (3).

(e) The recipe producer shall be considered the producer for purposes of filing reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured under a contract production agreement in the report required under s. 139.11 (2). For alcohol beverages produced under an agreement for contract production between a contract producer and a recipe producer, the contract producer shall exclude the alcohol beverages from reports required under s. 139.11 (2).

(4) ALTERNATING PROPRIETORSHIP. (a) An alternating proprietorship shall comply with the requirements of this subsection.

(b) All alternating proprietorships shall occur pursuant to a written agreement between the host producer and guest producer.

(c) The agreement under par. (b) shall provide that the guest producer retains the right to control the production of the alcohol beverages. If the agreement provides that the host producer and host producer's personnel are agents of the guest producer or acting under the direction of the guest producer, the agreement shall specify the terms and compensation for the use of the host producer's personnel.

(d) The guest producer shall be considered the producer for purposes of filing reports under s. 139.11 (2) and taxation under ss. 139.02, 139.03, 139.05 (2), and 139.06 (1) and (2), as applicable, and shall include alcohol beverages manufactured under an alternating proprietorship in the report required under s. 139.11 (2). The host producer shall exclude alcohol beverages manufactured in an alternating proprietorship from reports required under s. 139.11 (2).

(e) Alcohol beverages produced under an alternating proprietorship shall count toward the production volume of the guest producer and shall be considered, for this purpose, as produced on the guest producer's premises.

(5) LICENSING AGREEMENTS. (a) A producer may enter into a licensing agreement or contract with a licensor authorizing the producer-licensee to use the licensor's trademark or name if all of the following requirements are satisfied:

1. The licensing agreement or contract is in writing.

2. The producer-licensee is entirely responsible for producing the alcohol beverages and for all related processing steps and regulatory requirements.

(b) Alcohol beverages produced under the licensing agreement shall count toward the production volume of the producer-licensee and shall be considered, for this purpose, as produced on the producer-licensee's premises.

History: 2023 a. 73.

125.22 Common carrier permit; shipments into state.

(1) PERMIT. (a) No common carrier may transport into or deliver within this state any alcohol beverages unless the common carrier first obtains a permit from the division under this section. This subsection does not apply to the transportation into this state for delivery to, or delivery within this state to, a person that holds a license or permit issued under this chapter that authorizes the licensee or permittee to receive the alcohol beverages.

(b) A permit under this section authorizes only the transport into or delivery within this state of wine on behalf of a person holding a direct wine shipper's permit under s. 125.535 or a fulfillment house permit under s. 125.23.

(c) An applicant for a permit under this section shall provide all information required by the division. The division shall require the applicant to submit information, as determined to be appropriate by the division, that is similar to the information required of an applicant for a permit under s. 125.58.

(d) A permit under this section may be issued only to a person who holds a valid certificate issued under s. 73.03 (50).

(e) A permittee under this section shall pay an annual fee of $1,000.

(2) REPORTS. (a) No later than the 15th day of each month, a common carrier holding a permit under this section shall submit a verified report to the division, in the form and manner prescribed by the division, that includes all of the following information for each shipment of alcohol beverages during the preceding month:

2. The name and address of the consignor of the shipment.

3. The name and address of the consignee of the shipment.

4. The date of the shipment.

5. The weight of the alcohol beverages shipped to the consignee, as reported to the common carrier by the consignor.

6. The parcel tracking number, waybill number, or other identifying number for the shipment.

(b) The division and the department shall keep confidential the information under par. (a) 3. and 6., and this information is not subject to public copying or inspection under s. 19.35 (1), but all other information included in a report under par. (a) is subject to public copying and inspection under s. 19.35 (1) and may not be treated by the division or the department as confidential under any provision of s. 71.78, 71.83, or 139.11 (4).

(c) Nothing in this section alters the requirement that a person shipping alcohol beverages into this state obtain all required permits under this chapter prior to shipment, including any permit under s. 125.535. Nothing in this section grants a manufacturer, rectifier, or shipper of alcohol beverages, including a winery, authority to ship alcohol beverages into this state. Nothing in this section alters the face-to-face sales requirement in ss. 125.272 and 125.51 (6).

(3) PENALTIES. (a) Any common carrier that fails to obtain a permit required under sub. (1) prior to commencing delivery of alcohol beverages in this state is subject to a fine of not more than $10,000.

(b) Any common carrier that ships alcohol beverages other than wine obtained from a direct wine shipper permittee under s. 125.535 or from a fulfillment house permittee under s. 125.23 may be subject to a forfeiture of not more than $2,000. When the division determines that a common carrier has engaged in repeated and negligent transportation and shipping practices involving alcohol beverages, the division may revoke the permit of any common carrier that violates this prohibition in more than one month during a calendar year. Except as provided in this paragraph, s. 125.12 (5) shall apply with respect to the division's revocation of the permit.

(c) If a common carrier fails to submit a report required under sub. (2), the common carrier is subject to a forfeiture of not more than $2,000.

History: 2023 a. 73, 146.

125.23 Fulfillment houses. (1) PERMIT. (a) Before making any shipment to, or causing any shipment to be made to, any individual in this state, a person operating a fulfillment house shall obtain from the division a fulfillment house permit for each location that is involved in the process of shipping wine to residents of this state.

(b) A person holding a permit under this section may provide services only for the warehousing, packaging, order fulfillment, and shipment of alcohol beverages produced by and belonging to a person holding a direct wine shipper's permit under s. 125.535.

(c) An applicant for a permit under this section shall pay an annual fee of $100 for each permit. The permit may be issued for a period of one year and may be renewed annually.

(d) A permit under this section may be issued only to a person who holds a valid certificate issued under s. 73.03 (50).

(2) PERMIT APPLICATION. (a) An applicant for a permit under this section shall provide all of the following information as part of the permit application:

1. All locations from which alcohol beverages are to be shipped under the permit.

2. Any other information required by the division. The division shall require the applicant to submit information, as determined to be appropriate by the division, that is similar to the information required of an applicant for a permit under s. 125.58.

(b) Notwithstanding s. 125.04 (5) (a), natural persons obtaining fulfillment house permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Corporations and limited liability companies obtaining fulfillment house permits are subject to s. 125.04 (6) and any other person, including any natural person or cooperative, obtaining a fulfillment house permit shall appoint an agent, and be subject to all provisions of s. 125.04 (6), in the same manner applicable to corporations and limited liability companies.

(3) PACKAGE LABELING. A person holding a permit under this section shall ensure all containers of wine shipped directly to an individual in this state are labeled with all of the following information:

(a) The following words, appearing in capital letters and in a conspicuous location: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

(b) The name, address, and permit number of the fulfillment house permittee and the name, address, and permit number of the direct wine shipper.

(4) SHIPMENT. (a) A fulfillment house permittee may not ship into this state wine from any person not holding a direct wine shipper's permit under s. 125.535.

(b) A fulfillment house permittee may not ship wine into this state through a common carrier that does not hold a permit under s. 125.22. All containers of wine shipped directly to an individual in this state shall be shipped using a common carrier holding a permit issued under s. 125.22.

(c) Prior to shipping wine to an individual in this state, a fulfillment house permittee shall verify the validity of the permit of each direct wine shipper and of each common carrier associated with the shipment.

(5) REPORTS. (a) No later than the 15th day of each month, a fulfillment house holding a permit under this section shall submit a verified report to the division, in the form and manner prescribed by the division, that includes all of the following information for each shipment of alcohol beverages during the preceding month:

1. The name and address of the person that manufactured the alcohol beverages.

2. The name and address of the consignor of the shipment, if different from the person that manufactured the alcohol beverages.

3. The name and address of the consignee of the shipment.

4. The date of the shipment.

5. The type and quantity of alcohol beverages shipped to the consignee.

6. The parcel tracking number, waybill number, or other identifying number for the shipment.

(b) The division and the department shall keep confidential the information under par. (a) 3. and 6., and this information is not subject to public copying or inspection under s. 19.35 (1), but all other information included in a report under par. (a) is subject to public copying and inspection under s. 19.35 (1) and may not be treated by the division or the department as confidential under any provision of s. 71.78, 71.83, or 139.11 (4).

(6) PENALTIES. (a) Any fulfillment house that fails to obtain a permit under this section in violation of sub. (1) is subject to a fine of not more than $10,000.

(b) Any permittee under this section that ships alcohol beverages other than wine obtained from a direct wine shipper holding a permit under s. 125.535 is subject to a forfeiture of not more than $2,000. The division shall revoke the permit of any permittee that violates this prohibition in more than one month during a

calendar year. Except as provided in this paragraph, s. 125.12 (5) shall apply with respect to the division's revocation of the permit.

(c) If a fulfillment house fails to submit a report required under sub. (5), the fulfillment house is subject to a forfeiture of not more than $2,000.

History: 2023 a. 73.

125.24 No-sale event venue permit. (1) PERMIT ISSUANCE. (a) Except as otherwise provided in this section, the division may issue to property owners no-sale event venue permits that authorize the permittee to rent or lease real property for use as an event venue at which fermented malt beverages and wine are consumed if all requirements under this section are satisfied.

(b) A no-sale event venue permit may be issued only to a person who holds a valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except that a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

(c) A no-sale event venue permit may not be issued unless all of the following are satisfied:

1. The applicant certifies in the permit application how many events were held at the venue in the 12-month period immediately preceding the application.

2. The applicant identifies with specificity in the permit application the property that is the event venue covered by the permit.

(d) Subject to sub. (2) (c) 3., a permit may not be issued under this section for premises that are covered by any other license or permit under this chapter, but a caterer holding Class "B" and "Class B" licenses may deliver fermented malt beverages and wine to the event venue if all requirements under sub. (2) are satisfied.

(e) The division shall establish an annual fee, calculated to cover the division's administrative costs under this section, for a permit issued under this section.

(2) ACTIVITIES AUTHORIZED UNDER PERMIT. (a) A no-sale event venue permit authorizes the permittee to rent or lease real property for use as an event venue at which fermented malt beverages and wine are consumed on no more than 6 days per calendar year and no more than one day per month.

(b) 1. A no-sale event venue permittee may not sell or otherwise provide alcohol beverages to the renter or lessee of the event venue or to any guest or attendee of an event on the event venue, including charging admission for an event on the event venue at which any alcohol beverages are served.

2. A no-sale event venue permittee may not allow any person to possess distilled spirits on the event venue when the event venue is being used by a renter or lessee.

(c) Subject to pars. (d) and (e), a no-sale event venue permit authorizes the permittee to do any of the following:

1. Allow the renter or lessee of the event venue to bring the renter's or lessee's own fermented malt beverages and wine onto the event venue and serve it to guests without charge.

2. Allow the guests of the renter or lessee to bring fermented malt beverages and wine onto the event venue to be consumed by the guests without charge.

3. Allow the renter or lessee to obtain temporary Class "B" and "Class B" licenses for an event held on the event venue and sell fermented malt beverages and wine under the temporary Class "B" and "Class B" licenses on the event venue.

4. Allow the renter or lessee to contract with a caterer holding Class "B" and "Class B" licenses for the caterer to provide fermented malt beverages and wine to the renter or lessee and the renter's or lessee's guests without charge on the event venue.

(d) If a renter or lessee of an event venue contracts with a caterer as provided in par. (c) 4., all of the following apply:

1. Neither the renter or lessee of the event venue nor any guest of the renter or lessee may bring alcohol beverages onto the event venue.

2. The caterer may serve the fermented malt beverages and wine that are provided on the event venue, but service shall be performed only by persons holding an operator's license under s. 125.17.

3. The caterer may not provide fermented malt beverages or wine on the event venue unless the renter or lessee has first purchased the fermented malt beverages or wine from the caterer in a face-to-face transaction at the caterer's licensed retail premises.

(e) A renter or lessee of an event venue covered by a permit under this section may not do any of the following:

1. Except as provided in par. (c) 3., sell any alcohol beverages to guests or attendees of an event on the event venue, including charging admission for an event on the event venue at which any alcohol beverages are served.

2. Allow any person to possess distilled spirits on the event venue.

3. If there are 20 or more people on the event venue, allow the service of fermented malt beverages or wine unless the service is performed by a person holding an operator's license under s. 125.17.

(3) INTEREST RESTRICTIONS. Subject to s. 125.20 (6), a no-sale event venue permit may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

(a) A wholesaler's permit issued under s. 125.28 or 125.54.

(b) A brewer's permit issued under s. 125.29.

(c) A brewpub permit issued under s. 125.295.

(d) A winery permit issued under s. 125.53.

(e) A manufacturer's or rectifier's permit issued under s. 125.52.

(f) An out-of-state shipper's permit issued under s. 125.30 or 125.58.

(4) EXCEPTION FOR PERMITTEE APPLYING FOR RETAIL LICENSE. Notwithstanding any operating limitation in sub. (1) or (2), a permittee under this section that has applied for and is actively seeking a Class "B" or "Class B" license for the event venue covered by the no-sale event venue permit may, for 6 months after the date of the Class "B" or "Class B" license application, continue to operate in a manner similar to the manner in which it operated in the immediately preceding 12-month period if all of the following apply:

(a) The permittee has determined that it can no longer operate under the no-sale event venue permit.

(b) The permittee has provided notice to the division of the application for a Class "B" or "Class B" license.

(c) The permittee has not previously held a no-sale event venue permit for which the permittee provided notice under par. (b).

(5) QUOTA EXCEPTION FOR QUALIFYING PERSONS WHO OPT OUT OF NO-SALE EVENT VENUE PERMIT. (a) In this subsection, "qualifying event venue" means real property that is rented or leased for use as an event venue for private events that satisfy all of the following requirements in the preceding 12-month period:

1. There were at least 5 events held at the venue at which no fewer than 50 invited guests attended.

2. The venue owner received at least $20,000 in revenue from renting or leasing the venue for the events under subd. 1.

(b) Upon application, the division shall certify an owner of a

qualifying event venue as eligible for the quota exception under s. 125.51 (4) (v) 5. if all of the following apply:

1. The qualifying event venue is in operation on January 1, 2026, and has been in operation for the 12-month period immediately preceding the date of the application.

2. The qualifying event venue has not been a "Class B" licensed premises at any time in the 12-month period immediately preceding the date of the application.

3. The owner of the qualifying event venue has not applied for a permit under this section.

4. The owner of the qualifying event venue provides documentation to the division that, in the absence of the exception under s. 125.51 (4) (v) 5., the municipality in which the qualifying event venue is located would be prohibited under s. 125.51 (4) (am) from issuing the owner a "Class B" license.

5. The owner of the qualifying event venue provides documentation to the division showing, and the division confirms, that the requirements under subd. 1. and par. (a) are satisfied.

6. The owner of the qualifying event venue provides notice to the division no later than March 2, 2026, that the owner is applying for a "Class B" license and is not seeking a no-sale event venue permit.

(c) The division shall act on an application for certification under par. (b) within 30 days of receiving the application.

(d) The division may not issue a certification under par. (b) after August 1, 2026.

History: 2023 a. 73.

SUBCHAPTER II

FERMENTED MALT BEVERAGES

125.25 Class "A" licenses. (1) Every municipal governing body may issue Class "A" licenses for the sale of fermented malt beverages from premises within the municipality. A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles. A Class "A" license also authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age fermented malt beverages taste samples that are not in original packages, containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on the Class "A" premises. No Class "A" licensee may provide more than 2 taste samples per day to any one person. Taste samples may be provided under this subsection only between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter applicable to retail sales of fermented malt beverages by a Class "A" licensee also applies to the provision of taste samples, free of charge, of fermented malt beverages by a Class "A" licensee. A license may be issued after July 1. That license shall expire on the following June 30.

(2) (a) Class "A" licenses may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(b) Subject to s. 125.20 (6), a Class "A" license may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

1. A wholesaler's permit issued under s. 125.28 or 125.54.

2. A brewer's permit issued under s. 125.29.

3. A brewpub permit issued under s. 125.295.

4. A winery permit issued under s. 125.53.

5. A manufacturer's or rectifier's permit issued under s. 125.52.

6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

(3) Class "A" licenses shall particularly describe the premises for which issued and are not transferable, except under s. 125.04 (12). A Class "A" license is subject to revocation for violation of any of the terms or provisions thereof.

(4) The fee for a Class "A" license shall be determined by the municipal governing body issuing the license. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

History: 1981 c. 79; 1989 a. 253; 1993 a. 378; 2003 a. 250; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32; 2023 a. 73.

125.26 Class "B" licenses. (1) Every municipal governing body may issue Class "B" licenses for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. A license may be issued after July 1. That license shall expire on the following June 30. Persons holding a Class "B" license may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(2) (a) Class "B" licenses may be issued to any person qualified under s. 125.04 (5). Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter.

(b) Subject to s. 125.20 (6), a Class "B" license may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

1. A wholesaler's permit issued under s. 125.28 or 125.54.

2. A brewer's permit issued under s. 125.29.

3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. b., and (3) (b), a brewpub permit issued under s. 125.295.

4. A winery permit issued under s. 125.53.

5. A manufacturer's or rectifier's permit issued under s. 125.52.

6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

(2m) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class "B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest's room which is not part of the Class "B" premises. Fermented malt beverages furnished under this subsection shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room, when the room is not occupied and when fermented malt beverages are not being furnished under this subsection. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the fermented malt beverages in the hotel room. Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of fer-

mented malt beverages furnished under this subsection is considered to occur at the time and place that the guest pays for the fermented malt beverages. Notwithstanding s. 125.32 (3), the guest may pay for the fermented malt beverages at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this subsection shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or the holder of a manager's or operator's license or operator's permit, or be supervised by one of those individuals.

(2s) (a) In this subsection:

1. "Coliseum" means a multipurpose facility designed principally for sports events, with a capacity of 18,000 or more persons.

2. "Concessionaire" means a person designated by the owner or operator of a coliseum to operate premises in the coliseum and to provide fermented malt beverages to holders of coliseum suites.

(b) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class "B" license authorizes a person operating a coliseum or a concessionaire to furnish the holder of a coliseum suite who has attained the legal drinking age with a selection of fermented malt beverages in the coliseum suite that is not part of the Class "B" premises. Fermented malt beverages furnished under this paragraph shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place or the coliseum suite must be capable of being locked. The cabinet, refrigerator or other secure storage place or the coliseum suite shall be locked, or the fermented malt beverages shall be removed from the coliseum suite, when the coliseum suite is not occupied and when fermented malt beverages are not being furnished under this paragraph. Fermented malt beverages may be furnished at the time the holder occupies the coliseum suite, but for purposes of this chapter, the sale of fermented malt beverages furnished under this paragraph is considered to occur at the time and place that the holder pays for the fermented malt beverages. Notwithstanding s. 125.32 (3), the holder of a coliseum suite may pay for the fermented malt beverages at any time if he or she pays in accordance with the terms of an agreement with the person operating the coliseum or with the concessionaire. An individual who stocks or accepts payment for alcohol beverages under this paragraph shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or the holder of a manager's or operator's license or operator's permit, or be supervised by one of those individuals.

(2u) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the National Railroad Museum is not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises. This subsection does not authorize the National Railroad Museum to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the National Railroad Museum holds a Class "B" license.

(2v) (a) Subject to pars. (b) and (c), and notwithstanding ss. 125.04 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to pars. (b) and (c), and notwithstanding sub. (1) and s. 125.32 (6) (a), a caterer may provide fermented malt beverages under this paragraph at any location on racetrack grounds even though the racetrack grounds are not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the racetrack grounds are not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this paragraph is subject to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises.

(b) A caterer may not provide fermented malt beverages under par. (a) at any designated camping area on racetrack grounds while the area is in use for camping.

(c) A caterer may not provide fermented malt beverages under par. (a) on any premises covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

(2w) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises. This subsection does not authorize the Heritage Hill state park to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the Heritage Hill state park holds a Class "B" license.

(2x) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section also authorizes the licensee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee's Class "B" licensed premises are located in Ozaukee County. Notwithstanding sub. (1), a licensee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee's licensed premises, as described under sub. (3) in the licensee's Class "B" license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the Class "B" license. A licensee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the licensee's Class "B" licensed premises. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a licensee approved by the Ozaukee County board under this subsection and such an approved licensee may transport fermented malt beverages from its licensed premises to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This

subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale.

(3) Class "B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12). A Class "B" license is subject to revocation for violation of any of the terms or provisions thereof.

(3m) A municipality may issue a Class "B" license authorizing retail sales of fermented malt beverages on a railroad car while the railroad car is standing in a specified location in the municipality.

(4) The fee for a Class "B" license shall be determined by the municipal governing body issuing the license but the fee may not exceed $100 per year. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(5) Class "B" licenses may be issued at any time for a period of 6 months in any calendar year, for which 50 percent of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued.

(6) Temporary Class "B" licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed $10. An official or body authorized by a municipal governing body to issue temporary Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class "B" license for premises that are covered by a "Class B" permit issued under s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection. If a license is issued under this subsection to a fair association solely for the purpose of conducting on the licensed premises fermented malt beverages judging or tasting events involving servings of fermented malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these licensed premises.

History: 1981 c. 79; 1985 a. 302; 1987 a. 249, 399; 1989 a. 253; 1991 a. 269; 1993 a. 112, 378; 1995 a. 282; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 22, 103; 2007 a. 20; 2009 a. 28; 2011 a. 32; 2011 a. 260 s. 81; 2013 a. 268; 2015 a. 62; 2017 a. 59, 95; 2021 a. 39; 2023 a. 73.

A municipality has authority to limit the area of the premises when it grants a license. Here, the town chose to license the entire eight acres of a resort as the premises for the sale, and also the consumption, of fermented malt beverages and intoxicating liquor. The town made that choice. The license was not void due to an insufficient description of the premises. Wisconsin Dolls, LLC v. Town of Dell Prairie, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

125.27 Class "B" permits. (1) SPORTS CLUBS. (a) The division shall issue Class "B" permits to clubs holding a valid certificate issued under s. 73.03 (50) that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs that are operated solely for curling, ski jumping or yachting, if the club is not open to the general public and if no Class "B" licenses are issued by the governing body of the municipality in which the club is located. A Class "B" permit authorizes retail sales of fermented malt beverages to be consumed on the premises where sold. Persons holding a Class "B" permit may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(b) A club applying for a Class "B" permit under this subsection shall have occupied the premises on which it is located on the date of filing the application for a period of 6 months prior to that date.

(d) Except as otherwise provided in this subsection, all sections of this chapter relating to Class "B" licenses apply to Class "B" permits issued under this subsection.

(2) VESSELS. (a) 1. The division may issue a Class "B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.001 (45) and (63) if any of the following applies:

a. The vessel serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of all of the food and beverages served on the vessel.

b. The vessel has an approved passenger capacity of not less than 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of the vessel.

2. The division may issue the permit only if the vessel leaves its place of mooring while the sale of fermented malt beverages is taking place and if the vessel fulfills the requirement under par. (am). A permit issued under this paragraph also authorizes the permittee to store fermented malt beverages purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the fermented malt beverages will be stored. The premises shall be open to inspection by the division upon request.

(am) An applicant for a permit under par. (a) shall provide proof that the vessel is certified by the U.S. coast guard, classed by the American bureau of shipping, or covered by liability insurance.

(b) Persons holding a permit under par. (a) may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Except as provided in this subsection, all sections of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection.

(e) A person holding a permit under par. (a) shall keep all invoices relating to the purchase of fermented malt beverages for sale on a vessel at the location where the fermented malt beverages are customarily stored.

(3) PERMITS FOR CERTAIN TRIBES. (a) In this subsection, "tribe" means a federally recognized American Indian tribe in this state having a reservation created pursuant to treaty with the United States encompassing not less than 60,000 acres nor more than 70,000 acres or any business entity that is wholly owned and operated by such a tribe.

(b) Upon application, the division shall issue a Class "B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of fermented malt beverages for consumption on or off the premises where sold.

(c) A tribe holding a permit under par. (a) may sell beverages

containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Except as provided in this subsection, all sections of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection.

(4) ADDITIONAL SALES AUTHORITY FOR PERMITTEES. Notwithstanding subs. (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), (2), or (3), a Class "B" permit issued under this section also authorizes the permittee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the Class "B" permit are located in Ozaukee County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the premises covered by the Class "B" permit. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a permittee approved by the Ozaukee County board under this subsection and such an approved permittee may transport fermented malt beverages from the premises covered by the permit to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply to a permit issued under sub. (6).

(5) PERMITS FOR RACETRACK GROUNDS. (a) In this subsection, "racetrack grounds" means real property consisting of at least 300 acres containing a motor vehicle racetrack at least 4 miles in length capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack.

(b) The division may issue Class "B" permits for locations within racetrack grounds to any person that holds a valid certificate issued under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the racetrack grounds or is designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Subject to par. (e), the permit authorizes the retail sale of fermented malt beverages on the premises covered by the permit, for consumption anywhere within the racetrack grounds. If the division issues more than one permit under this subsection for the same racetrack grounds, no part of the premises covered by a permit under this subsection may overlap with premises covered by any other permit issued under this subsection.

(c) Persons holding a permit under par. (b) may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Subject to ss. 125.07 (3) (a) 17. and 125.32 (3) (c) and (3m) (k), all provisions of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection, except as follows:

1. A permit issued under this subsection does not authorize retail sales of fermented malt beverages for consumption off the racetrack grounds.

2. A permit issued under this subsection authorizes the retail sale of fermented malt beverages for possession and consumption off the premises where sold if the possession and consumption occurs within the racetrack grounds.

(e) A permit issued under this subsection does not authorize retail sales of fermented malt beverages at any designated camping area on racetrack grounds while the area is in use for camping.

(f) The division shall establish a fee for a permit issued under this subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

(6) PERMITS FOR STATE FAIR PARK. (a) The state fair park board may issue Class "B" permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this subsection. The state fair park board's notice of meeting under s. 19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

(b) A permit issued under this subsection authorizes the retail sale of fermented malt beverages on the premises covered by the permit, for consumption anywhere at the state fair park.

(c) A permit issued under this subsection may describe as premises under the permit multiple locations at the state fair park.

(d) A person holding a permit under this subsection is subject to any requirements or conditions imposed upon the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

(e) Persons holding a permit under this subsection may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(f) Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this subsection.

(g) A permit issued under this subsection shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this subsection in the amount of 50 percent of the annual fee for a permit issued under sub. (1). All fees received under this paragraph shall be credited to the appropriation account under s. 20.190 (1) (h).

(h) 1. The state fair park board shall establish standards, consistent with par. (a), and procedures for renewal of a permit issued under this subsection.

2. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a permit issued under this subsection. A suspension, revocation, or refusal to renew a permit under this subsection is a contested case under ch. 227.

(i) Except as otherwise provided in this subsection, all sections of this chapter relating to Class "B" licenses apply to Class "B" permits issued under this subsection.

(j) The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this subsection.

(k) A municipality may not issue a Class "B" license for premises within the state fair park. Except as provided in ss. 125.29 (3) (j) and 125.295 (1) (i), no person may sell fermented malt beverages at retail at the state fair park unless the person holds a permit issued under this subsection, and no brewer, brewpub, or wholesaler may sell fermented malt beverages to a person

for resale at the state fair park unless the person holds a permit issued under this subsection.

(7) INTEREST RESTRICTIONS. Subject to s. 125.20 (6), a Class "B" permit may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

(a) A wholesaler's permit issued under s. 125.28 or 125.54.

(b) A brewer's permit issued under s. 125.29.

(c) A brewpub permit issued under s. 125.295.

(d) A winery permit issued under s. 125.53.

(e) A manufacturer's or rectifier's permit issued under s. 125.52.

(f) An out-of-state shipper's permit issued under s. 125.30 or 125.58.

History: 1981 c. 79, 202; 1983 a. 27 s. 2202 (38); 1985 a. 302; 1987 a. 91; 1989 a. 16, 252, 253, 359; 1995 a. 27; 1997 a. 248; 1999 a. 150 s. 672; 2009 a. 28; 2017 a. 59, 95, 364; 2021 a. 39, 43; 2023 a. 73.

125.272 Face-to-face retail sales. Except as provided in ss. 125.26 (2m), (2s), and (2x) and 125.27 (4) and except with respect to caterers, a retail license issued under s. 125.25 or 125.26, and a retail permit issued under s. 125.27, authorizes only face-to-face sales to consumers at the premises described in the retail license or permit.

History: 2007 a. 85; 2017 a. 95.

125.275 Industrial fermented malt beverages permit. **(1)** The division may issue an industrial fermented malt beverages permit which authorizes the permittee to purchase and use fermented malt beverages for industrial purposes only. Such permits may be issued only to persons who prove to the division that they use alcohol for industrial purposes and who holds a valid certificate issued under s. 73.03 (50).

(2) (a) Industrial fermented malt beverages permits may be issued to any person qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(b) An industrial fermented malt beverages permit may not be issued to a person holding a wholesaler's permit issued under s. 125.28 or to a person who has an interest in a permittee under s. 125.28.

(3) Shipments of industrial fermented malt beverages shall be conspicuously labeled "for industrial purposes" and shall meet other requirements which the division prescribes by rule.

History: 1985 a. 29; 1989 a. 253; 1993 a. 259, 378; 1995 a. 27; 2011 a. 32; 2023 a. 73.

125.28 Wholesalers' permits. **(1)** (a) Subject to par. (b), the division may issue permits to wholesalers for the sale of fermented malt beverages from premises within this state, which premises shall comply with the requirements under s. 125.34 (2). Subject to s. 125.34, and except as provided in pars. (e) and (f), a wholesaler's permit authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers.

(b) If a wholesaler does not maintain any warehouse in this state but is licensed and maintains a warehouse in an adjoining state that allows wholesalers holding a wholesaler's permit in this state to deliver fermented malt beverages to retailers in the adjoining state without warehousing in that state and that further requires that all fermented malt beverages be first unloaded and physically at rest at, and distributed from, the warehouse of the licensed wholesaler in that state, the wholesaler's permit shall be issued by the division. Notwithstanding s. 125.04 (5) (a) 2. and (c) and (6), the division may issue the wholesaler's permit to a wholesaler described in this paragraph who is a natural person and not a resident of this state or that is a corporation or limited liability company and has not appointed an agent in this state.

(c) No additional license or permit is required for the solicitation of orders for sale to or by wholesalers holding a permit under this section.

(d) Wholesalers holding a permit under this section, employees of such wholesalers, and individuals representing such wholesalers may not provide or participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

(e) Notwithstanding ss. 125.04 (9) and 125.09 (1), if a wholesaler was issued a retail license prior to January 1, 2011, then the wholesaler may, under its wholesaler's permit, continue to sell at retail fermented malt beverages to individuals as was permitted under the previously issued retail license.

(f) A wholesaler's permit authorizes the wholesaler to sell or give fermented malt beverages to its employees. Fermented malt beverages may be consumed on a wholesaler's premises at events not open to the general public.

(2) (a) A wholesaler's permit may be issued to any person qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ of, another person. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(b) Subject to s. 125.20 (6), a wholesaler's permit may not be issued to any of the following:

1. A person holding one or more of the following licenses or permits:

a. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

b. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

c. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

d. An industrial fermented malt beverages permit issued under s. 125.275.

e. A brewpub permit issued under s. 125.295.

f. A brewer's permit issued under s. 125.29.

g. A winery permit issued under s. 125.53.

h. A manufacturer's or rectifier's permit issued under s. 125.52.

i. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

j. A no-sale event venue permit issued under s. 125.24.

2. Subject to s. 125.20 (6), a person who has an interest in a person holding one or more of the licenses or permits listed in subd. 1.

(d) Notwithstanding par. (b) 1. f. and 2., a wholesaler may not hold any ownership interest in any brewer, except a wholesaler that holds an ownership interest in a brewer on July 1, 2011, may continue to hold that interest.

(3) Wholesalers' permits shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12). A wholesaler's permit is subject to revocation for violation of any of the terms or provisions thereof.

(4) The amount of the permit fee shall be established by the division and shall be an amount that is sufficient to fund one special agent position dedicated to alcohol and tobacco enforcement in the division, but the permit fee may not exceed $2,500 per year or fractional part thereof. All permit fees received under this subsection shall be credited to the appropriation account under s. 20.566 (9) (hd).

(5) (a) The premises described in a permit issued under this section shall be capable of warehousing fermented malt beverages. Any fermented malt beverages sold by the wholesaler shall be physically unloaded at the premises described in the permit, or at any warehouse premises for which the wholesaler also holds a permit under this section and a permit issued under s. 125.19, prior to being delivered to a retail licensee or to another wholesaler.

(b) A wholesaler under this section shall annually sell and deliver fermented malt beverages to at least 25 retail licensees or other wholesalers that do not have an interest in each other or in the wholesaler. The division may not issue a permit under this section unless the applicant represents to the division an intention to satisfy this requirement, and may not renew a permit issued under this section unless the wholesaler demonstrates that this requirement has been satisfied.

(c) No fermented malt beverages retail licensee or wholesaler may receive a benefit from a violation under par. (a) or (b) with knowledge of the circumstances giving rise to the violation.

(d) 1. A wholesaler that violates this subsection shall be fined not more than $10,000. In addition, a court shall order the wholesaler to forfeit an amount equal to any profit gained by the wholesaler or retail licensee that violates par. (c), or by both, resulting from the violation, and the court shall further order that the wholesaler's permit be revoked.

2. A court shall order a retail licensee or wholesaler that violates this subsection to forfeit an amount equal to any profit gained by the retail licensee or wholesaler resulting from the violation, and the court shall further order that the retail license or wholesaler's permit be revoked.

3. This paragraph shall not affect the authority of any municipality or the division to revoke, suspend, or refuse to renew or issue a license or permit under s. 125.12.

(e) The division shall promulgate rules to administer and enforce the requirements under this subsection. The rules shall ensure coordination between the division's issuance and renewal of permits under this section and its enforcement of the requirements of this subsection, and shall require that all applications for issuance or renewal of permits under this section be processed by division personnel generally familiar with activities of fermented malt beverages wholesalers. The division shall establish by rule minimum requirements for warehouse facilities on premises described in permits issued under this section and for periodic site inspections by the division of such warehouse facilities.

History: 1981 c. 79; 1989 a. 31, 253; 1993 a. 112, 259, 378, 491; 1995 a. 225; 1999 a. 163; 2003 a. 250; 2005 a. 103, 115; 2007 a. 9, 20; 2011 a. 32; 2023 a. 73; 2025 a. 15.

125.29 Brewers. (1) PERMIT. No person may operate as a brewer unless that person obtains a permit from the division. A permit under this section may only be issued to a person who holds a valid certificate issued under s. 73.03 (50).

(2) INTEREST RESTRICTIONS. (a) Subject to s. 125.20 (6), a brewer's permit may not be issued to any person who holds, or has an interest in a licensee or permittee holding, any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. Except as provided in par. (c), a wholesaler's permit issued under s. 125.28 or 125.54.

5. A brewpub permit issued under s. 125.295.

6. A no-sale event venue permit under s. 125.24.

(c) If a wholesaler that has been granted distribution rights by a brewer for a brand in a designated sales territory is unable to service the designated sales territory for any reason, including the discontinuation of the wholesaler's distribution rights, bankruptcy, or criminal prosecution of the wholesaler in connection with operation of the wholesaler, and the reason is not the result of an action by the brewer, then a brewer shall be allowed, for a period of not more than one year, to take temporary control and operation of the wholesaler.

(3) AUTHORIZED ACTIVITIES. The division shall issue brewer's permits to eligible applicants authorizing all of the following:

(a) The manufacture of fermented malt beverages on the brewery premises.

(b) The bottling, packaging, possession, and storage of fermented malt beverages on the brewery premises.

(c) The transportation of fermented malt beverages between the brewery premises and any depot, warehouse, or full-service retail outlet maintained by the brewer, off-site retail outlet established by the brewer, or other premises for which the brewer holds a permit under this chapter.

(d) The sale, shipment, transportation, and delivery, in original unopened packages or containers, to wholesalers, from the brewery premises, of fermented malt beverages that have been manufactured by the brewer on those premises or on other premises of the brewer.

(dm) The sale, shipment, transportation, and delivery of fermented malt beverages, in bulk or in any state of packaging, that have been manufactured by the brewer to another brewer holding a permit under this section, and the receipt of the fermented malt beverages by the other brewer.

(e) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub. (7) (h), the retail sale of fermented malt beverages that have been manufactured on the brewery premises or on other premises of the brewer for on-premise consumption by individuals at an off-site retail outlet established by the brewer.

(f) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to sub. (7) (h), the retail sale to individuals of fermented malt beverages, in original unopened packages or containers, that have been manufactured on the brewery premises or on other premises of the brewer for off-premise consumption by individuals, if the sale occurs at an off-site retail outlet established by the brewer.

(h) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of intoxicating liquor, for on-premises consumption by individuals at the brewery premises or an off-site retail outlet established by the brewer, if all of the following apply:

1. The brewer held, on June 1, 2011, a license or permit authorizing the retail sale of intoxicating liquor at the location.

2. The intoxicating liquor has been purchased by the brewer from a wholesaler holding a permit under s. 125.54.

3. The brewer is not eligible to make full-service retail sales under sub. (7) at the location.

(i) The provision of free taste samples on the brewery premises, at an off-site retail outlet established by the brewer, or at the brewer's full-service retail outlet if the taste samples are of alcohol beverages the brewer is authorized to sell under pars. (e) and (f) or sub. (7) (c) or as authorized under s. 125.33 (12).

(j) The ownership, maintenance, or operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state. A brewer may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewer to make such sales.

(3m) SALES TO RETAILERS. (a) Except as provided in pars. (b) and (c), no brewer may sell fermented malt beverages to a retail licensee.

(b) A brewer that manufactures 300,000 or less barrels of fermented malt beverages in a calendar year from all locations may sell, ship, transport and deliver to retailers, from the brewery premises, fermented malt beverages, in original unopened packages or containers, that have been manufactured on the brewery premises, if the brewer complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same extent as if the brewer were a wholesaler.

(c) If a wholesaler that has been granted distribution rights by a brewer for a brand in a designated sales territory is unable to service the designated sale territory for any reason, including the discontinuation of the wholesaler's distribution rights, bankruptcy, or criminal prosecution of the wholesaler in connection with operation of the wholesaler, and the reason is not the result of an action by the brewer, then a brewer shall be allowed, for a period of not more than one year, to sell or ship any brand of fermented malt beverages to retailers located in the wholesaler's designated sales territory.

(5) BREWPUBS. No person holding a brewpub permit under s. 125.295 may register as a brewer under this section.

(6) RESTAURANTS. A brewer may operate a restaurant on the brewery premises, at an off-site retail outlet established by the brewer, and at any full-service retail outlet under sub. (7). Unless engaged in retail sales under sub. (7), a brewer operating a restaurant may only sell alcohol beverages that have been manufactured under the brewer's own brewer's permit.

(7) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding ss. 125.04 (9) and 125.09 (1), a brewer may make retail sales, on the brewery premises, of fermented malt beverages that have been manufactured by the brewer on the brewery premises or on other premises of the brewer, for on-premises or off-premises consumption.

2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a brewer manufactured, on all brewery premises operated by the brewer in this state, a cumulative total of at least 250 barrels of fermented malt beverages in any one of the 3 preceding calendar years, the brewer may engage in full-service retail sales on the brewery premises.

(b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and (g), if a brewer manufactured, on all brewery premises operated by the brewer in this state, a cumulative total of at least 250 barrels of fermented malt beverages in any one of the 3 preceding calendar years, the brewer may engage in full-service retail sales at off-site locations identified in the brewer's permit. Subject to pars. (f) and (g), the number of retail sales locations a brewer is allowed in addition to the brewery premises is determined by the cumulative volume of fermented malt beverages the brewer manufactured on all brewery premises operated by the brewer in this state in any one of the 3 preceding calendar years, as follows:

1. If the brewer's cumulative volume in a year was at least 250 barrels of fermented malt beverages but less than 2,500 barrels of fermented malt beverages, the brewer may establish one full-service retail outlet.

2. If the brewer's cumulative volume in a year was at least 2,500 barrels of fermented malt beverages but less than 7,500 barrels of fermented malt beverages, the brewer may establish not more than 2 full-service retail outlets.

3. If the brewer's cumulative volume in a year was at least 7,500 barrels of fermented malt beverages, the brewer may establish not more than 3 full-service retail outlets.

(c) 1. Except as provided in subd. 2. and par. (f), a brewer may make full-service retail sales of alcohol beverages on the brewery premises and at any of its full-service retail outlets only if the alcohol beverages were purchased by the brewer from a wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to make sales to retailers under sub. (3m), from a brewpub authorized to make sales to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30 authorized to make sales to retailers under s. 125.30 (4).

2. A brewer is not required to purchase from another permittee fermented malt beverages manufactured by the brewer that the brewer sells at retail on the brewery premises or at a full-service retail outlet of the brewer.

3. Subject to subd. 2. and par. (f), a brewer engaged in full-service retail sales on brewery premises or at a full-service retail outlet of the brewer is subject to ss. 125.33 (9) and 125.69 (6) to the same extent as if the brewer were a retail licensee.

(d) 1. A brewer may not commence sales of alcohol beverages at a full-service retail outlet unless, prior to commencing such sales, the brewer receives approval from the municipality in which the full-service retail outlet is located and from the division as provided in par. (g).

2. Subject to par. (f), a municipality may limit the scope of alcohol beverages offered for sale at a full-service retail outlet only with respect to alcohol beverages that are not of the same type as those produced by the person holding the brewer's permit. A municipality may not limit the sale, at a full-service retail outlet, of alcohol beverages produced by the person holding the brewer's permit. A municipality may not limit the scope of alcohol beverages offered for sale under sub. (3) (h). If a municipality limits the scope of alcohol beverages offered for sale, the provision of taste samples is limited to those alcohol beverages authorized to be sold.

3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall be based on the same standards and criteria that the municipality has established by ordinance for the evaluation and approval of retail license applications. A municipality may not impose any requirement or restriction in connection with the approval under subd. 1. that the municipality does not impose on retail licensees.

(e) If a brewer operates a restaurant as provided in sub. (6) and is authorized under this subsection to make retail sales of wine at the restaurant, the brewer may make retail sales of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both at the restaurant and away from the restaurant if all of the following apply:

1. The purchaser of the wine orders food to be consumed at the restaurant.

2. The brewer provides a dated receipt that identifies the purchase of the food and the bottle of wine.

3. Prior to the opened, partially consumed bottle of wine being taken away from the restaurant, the brewer securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted or the cap is reattached at a time other than during the hours in which the brewer is prohibited under sub. (8) (b) from making retail sales for off-premises consumption.

(f) 1. If a brewer may establish one or more full-service retail outlets under pars. (b) and (g) and the brewer also holds a manufacturer's or rectifier's permit or winery permit or both and, as such, may establish full-service retail outlets under s. 125.52 (4) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of full-service retail outlets that may be established is the maximum number authorized under par. (b), under s. 125.52 (4) (b), or under s. 125.53 (3) (b), whichever is greatest, but not exceeding 3

full-service retail outlets. Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether the permittee would otherwise be entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.52 (4) (b) or 125.53 (3) (b).

2. If a brewer may engage in full-service retail sales on the brewery premises as provided in par. (a) 2. and the brewer also holds a manufacturer's or rectifier's permit or winery permit or both, the brewer may make retail sales on the brewery premises of intoxicating liquor produced under its manufacturer's or rectifier's permit or winery permit without first purchasing the intoxicating liquor from a wholesaler holding a permit under s. 125.54.

3. If a person holds more than one brewer's permit under this section, the retail sales authority under this subsection for brewery premises applies with respect to each brewer's permit, but the limit on full-service retail outlets is an aggregate maximum, regardless of the number of brewer's permits held.

(g) 1. An application for a brewer's permit, including an application for an amendment to the brewer's permit, shall specify each full-service retail outlet of the brewer and particularly describe the premises of the full-service retail outlet.

2. The division shall establish a process for approval of a brewer's full-service retail outlet and for revocation of this approval. The division shall approve a brewer's full-service retail outlet, and may not revoke this approval, unless the brewer has violated a provision of this chapter related to full-service retail outlets. The division's failure to approve, or revocation of approval of, a full-service retail outlet described in a brewer's application or permit does not affect any other full-service retail outlet or the brewery premises as described in the application or permit.

3. If the division approves a full-service retail outlet, the brewer's permit, as initially issued or as amended, shall particularly describe the premises constituting the full-service retail outlet, which shall be considered part of the premises under the brewer's permit.

4. If the division approves a full-service retail outlet, the agent appointed under s. 125.04 (6) for the brewer's permit shall also serve as the agent for the full-service retail outlet.

5. Section 125.04 (12) (a) does not apply to a brewer's full-service retail outlet. Upon notice to the division, a brewer may relocate any full-service retail outlet to a new location within this state once per calendar year, except that one full-service retail outlet of a brewer may be relocated without limitation on frequency in each calendar year.

(h) A brewer that is eligible to establish a full-service retail outlet under this subsection is not authorized to make retail sales of fermented malt beverages at an off-site retail outlet under sub. (3) (e) and (f).

(8) CLOSING HOURS. (a) On brewery premises, no person may sell alcohol beverages at retail for on-premises consumption, provide taste samples of alcohol beverages, or consume alcohol beverages during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet under sub. (7) shall be subject to the same closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(b) On brewery premises and at a full-service retail outlet, no person may sell alcohol beverages at retail for off-premises consumption during the hours in which a Class "B" licensee in the municipality where the brewery or retail outlet is located may not make retail sales under s. 125.32 (3) (am) and (d).

(c) No member of the public or invited guests may be present on brewery premises during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(d) Activities authorized under a brewer's permit related to the production, shipment, transportation, or delivery of alcohol beverages may occur at any time.

History: 1981 c. 79; 1989 a. 253; 1993 a. 378; 1995 a. 27; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32; 2015 a. 55; 2017 a. 17; 2021 a. 43; 2023 a. 73.

A Web of Regulations: Starting a Brewery. Glazer. Wis. Law. Mar. 2016.

125.295 Brewpub permits. (1) The division shall issue brewpub permits to eligible applicants authorizing all of the following:

(a) The manufacture of fermented malt beverages on the brewpub premises if, except as provided in s. 125.21 (2) and (3), the entire manufacturing process occurs on these premises and not more than 20,000 barrels of fermented malt beverages are manufactured in a calendar year by the permittee's brewpub group.

(b) The bottling on brewpub premises of fermented malt beverages that have been manufactured on these premises.

(c) The packaging in refillable containers exceeding 24 ounces in volume, at the request of a customer and on brewpub premises, of fermented malt beverages that have been manufactured on these premises.

(d) The possession and storage of any fermented malt beverages on brewpub premises.

(e) The transportation of fermented malt beverages that have been manufactured on the brewpub premises between these premises and any other brewpub premises or Class "B" premises of the brewpub group.

(f) Subject to s. 125.34 (3) and (4), the sale at wholesale, shipment, transportation, and delivery, in original unopened packages or containers, to wholesalers, from the brewpub premises, of fermented malt beverages that have been manufactured on these premises or on other brewpub premises of the brewpub.

(fm) The sale, shipment, transportation, and delivery of fermented malt beverages, in bulk or in any state of packaging, that have been manufactured by the brewpub to another brewpub holding a permit under this section, and the receipt of the fermented malt beverages by the other brewpub.

(g) The sale at wholesale, shipment, transportation, and delivery, in original unopened packages or containers, to retailers, from the brewpub premises, of fermented malt beverages that have been manufactured on these premises or on other brewpub premises of the brewpub. A brewpub's brewpub group may not sell, ship, transport, or deliver more than a total of 2,000 barrels of fermented malt beverages in any calendar year to retailers under this paragraph. Fermented malt beverages provided by a brewpub to any retail premises for which the brewpub group holds a retail license shall not be included in any calculation of the 2,000 barrel limitation under this paragraph. Deliveries and shipments of fermented malt beverages by a brewpub under this paragraph shall be made to retailers only at their retail premises. Any retailer receiving such a delivery or shipment is subject to the prohibition under s. 125.34 (5) against further transporting the delivery or shipment to any other retail premises.

(h) The sale of alcohol beverages at retail on the brewpub premises in accordance with the terms of any retail license specified in subs. (2) (a) 4. and (3) (b) and (c).

(i) Notwithstanding s. 125.33 (1), the ownership, maintenance, and operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state if the fermented malt beverages have been manufactured by the brewpub. A brewpub may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewpub to make such sales.

(2) (a) An applicant is eligible for a brewpub permit only if all of the following apply:

1. The applicant's brewpub group manufactures a total of not

more than 20,000 barrels of fermented malt beverages in a calendar year.

2. Except as provided in s. 125.21 (2) and (3), the applicant's entire process for manufacturing fermented malt beverages occurs on premises covered by a permit issued under this section. If the applicant holds more than one permit issued under this section, the applicant is not required to manufacture fermented malt beverages on each premises for which a permit is issued under this section.

3. The applicant operates a restaurant on the premises for which the permit is issued, for which a license is issued under s. 97.30 for a restaurant.

4. The applicant holds a Class "B" license for the restaurant identified in subd. 3. and, on these Class "B" premises, offers for sale, in addition to fermented malt beverages manufactured by the applicant, fermented malt beverages manufactured by a brewer or brewpub other than the applicant and its brewpub group.

5. The applicant holds a valid certificate issued under s. 73.03 (50).

6. Subject to s. 125.20 (6), neither the applicant nor the applicant's brewpub group holds, or has an interest in a licensee or permittee holding, any of the following:

a. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

b. Except as provided in subd. 4. and subs. (1) (h) and (3) (b) and (c), a Class "B" license issued under s. 125.26, Class "B" permit issued under s. 125.27, "Class B" license issued under s. 125.51 (3), "Class B" permit issued under s. 125.51 (5), or "Class C" license issued under s. 125.51 (3m).

c. A wholesaler's permit issued under s. 125.28 or 125.54.

d. A brewer's permit issued under s. 125.29.

e. Except as provided in subs. (1) (h) and (3) (c), a "Class B" license or permit or "Class C" license issued under s. 125.51.

f. An alcohol beverage warehouse permit issued under s. 125.19.

g. A no-sale event venue permit issued under s. 125.24.

(b) If an applicant under par. (a) has no current operations, the applicant may certify that the applicant has applied for or will apply for a Class "B" license or license under s. 97.30 for a restaurant or will comply with any other requirement under par. (a), prior to or upon commencing operations authorized under this section. If a Class "B" license or license under s. 97.30 for a restaurant is not subsequently issued to the applicant, or if the applicant otherwise fails to comply with any requirement for eligibility under par. (a), the division may revoke under s. 125.12 (5) the permit issued under this section.

(c) If an applicant under par. (a) holds any license or permit prohibited under par. (a) 6. at the time of its application, the applicant may certify that the applicant will surrender any such license or permit upon issuance of a permit under this section. If the division issues a permit under this section and the applicant fails to surrender any license or permit prohibited under par. (a) 6., the division may revoke under s. 125.12 (5) the permit issued under this section. An applicant is not required to surrender any Class "B" license issued under s. 125.31 (1) (a) 2., 2009 stats., or under s. 125.31 (1) (a) 3., 2005 stats., if the applicant's continued possession of the license is consistent with subs. (1) (h), (2) (a) 4., and (3) (b) and (c).

(3) (a) No brewpub group may hold more than 6 brewpub permits issued under this section.

(b) A brewpub may not hold any Class "B" license other than one issued for a restaurant on the brewpub premises. Notwithstanding s. 125.26 (2) (a), each Class "B" license shall be issued for the brewpub's restaurant in the same name as the permittee under this section. Notwithstanding s. 125.33 (1), a brewpub may own the furniture, fixtures, fittings, furnishings, and equipment on the Class "B" premises and shall pay any license fee or tax required for the operation of the premises.

(c) Subject to the requirements specified in s. 125.51 (3) and (3m), a brewpub may also hold "Class B" licenses and "Class C" licenses, but only for restaurants on brewpub premises.

(4) The fee established by the division for a brewpub permit shall not exceed the fee established by the division for a permit under s. 125.29.

(5) The division shall promulgate rules and prescribe forms to ensure strict compliance with the requirements under this section.

History: 2007 a. 20; 2011 a. 32; 2013 a. 165; 2015 a. 55; 2021 a. 43; 2023 a. 73.

125.30 Out-of-state shippers' permits; delivery to wholesalers. (1) The division shall issue out-of-state shippers' permits which, except as provided in sub. (4), authorize the permittee to ship fermented malt beverages only to holders of a wholesaler's permit issued under s. 125.28. Except with respect to any shipment from a warehouse in an adjoining state by a wholesaler issued a wholesale permit under s. 125.28 (1) (b), no person may receive fermented malt beverages in this state which have been directly shipped from outside this state by any person other than the holder of a permit issued under this section. Subject to s. 125.34 (2), all shipments of fermented malt beverages to a wholesaler of fermented malt beverages in this state, whether shipped to the wholesaler from inside this state or from outside this state, shall be unloaded in, physically at rest in, and only then distributed from the wholesaler's warehouse in this state.

(2) The application for an out-of-state shipper's permit and the permit shall be on forms prescribed by the division which shall contain provisions determined by the division as necessary to effectuate the purposes of ss. 139.01 to 139.25 and shall include a provision that the permittee agrees to do all of the following:

(a) Comply with s. 139.05 relating to filing a bond, filing returns, paying taxes, and record keeping.

(b) Permit inspections and examinations of the permittee's premises and records by the division and its duly authorized employees, as authorized under s. 125.025 (3).

(c) Pay the expenses reasonably attributable to the inspections and examinations under par. (b) made within the United States.

(d) Accept service of process and consent to jurisdiction in any proceeding in this state to enforce the provisions of this chapter or ch. 139.

(3) (a) Out-of-state shippers' permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50), who is qualified under s. 125.04 (5), who does not maintain an office or street address in this state, and who is the primary source of supply for the brand of fermented malt beverages. An out-of-state shipper's permit may not be issued to a person determined by the division to be primarily engaged in wholesale or retail sales in another state. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out-of-state shippers' permits are not required to appoint agents vested with authority over the premises as described in s. 125.04 (6) (a).

(b) 1. A permittee under this section shall appoint and continually engage the services of an agent in this state to act as agent for the service of process on whom all processes, and any action

or proceeding against the permittee concerning or arising out of the enforcement of any provision of this chapter or ch. 139, may be served in any manner authorized by law. That service shall constitute legal and valid service of process on the permittee. The permittee shall provide to the division, in the form and manner prescribed by the division, the name, address, phone number, and proof of the appointment and availability of the agent.

2. The permittee shall provide notice to the division 30 calendar days before termination of the authority of an agent under subd. 1. and shall provide proof to the satisfaction of the division of the appointment of a new agent no less than 5 calendar days before the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the permittee shall notify the division of that termination within 5 calendar days and shall include proof to the satisfaction of the division of the appointment of a new agent.

3. If a permittee fails to maintain an agent in this state after a permit is issued under this section, the permittee is considered to have appointed the department of financial institutions as the permittee's agent, and the permittee may be proceeded against in courts of this state by service of process upon the department of financial institutions.

(c) Subject to s. 125.20 (6), an out-of-state shipper's permit may not be issued to any person who has an interest in a licensee or permittee holding any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. A wholesaler's permit issued under s. 125.28 or 125.54.

5. A no-sale event venue permit issued under s. 125.24.

(4) An out-of-state brewer that manufactures 300,000 barrels or less of fermented malt beverages in a calendar year from all locations and that holds an out-of-state shipper's permit may sell and ship fermented malt beverages directly to retail licensees if the out-of-state brewer registers with the division, files whatever periodic reports with the division as the division may require, and complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same extent as if the out-of-state brewer were a wholesaler holding a permit under s. 125.28.

(5) The division may revoke or suspend an out-of-state shipper's permit for such time as the division determines, if the permittee violates any provision of the application or ss. 139.01 to 139.25.

History: 1981 c. 79; 1989 a. 253; 1993 a. 112, 259, 491; 1995 a. 27; 1997 a. 166; 2005 a. 103, 115; 2011 a. 32; 2023 a. 73.

Treating All Grapes Equally: Interstate Alcohol Shipping After *Granholm.* Gary. Wis. Law. Mar. 2010.

125.315 Evading provisions of law by giving away fermented malt beverages. (1) No person may give away any fermented malt beverages or use any other means to evade any law of this state relating to the sale of fermented malt beverages.

(2) A person who violates sub. (1) may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

History: 1989 a. 253.

125.32 General restrictions and requirements. (1) MANAGERS' LICENSES; CLASS "B" LICENSES. (a) If a municipal governing body elects to issue managers' licenses under s. 125.18, no person may manage premises operating under a Class "B" license or permit, unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as required by s. 125.04 (6) or the holder of a manager's license. A manager's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. A person manages Class "B" premises if that person has responsibility or authority for:

1. Personnel management of all employees, whether or not the person is authorized to sign employment contracts;

2. The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or

3. The daily operations of the Class "B" premises.

(b) The municipal governing body may, by ordinance, define factors in addition to those listed in par. (a) which constitute management of Class "B" premises.

(2) OPERATORS LICENSES AND PERMITS; CLASS "A," CLASS "B," AND OTHER PREMISES. Except as provided under sub. (3) (b) and ss. 125.07 (3) (a) 10. and 125.26 (6), no premises operated under a Class "A" or Class "B" license or permit may be open for business, and no person who holds a brewer's permit, manufacturer's or rectifier's permit, or winery permit may allow the sale or provision of taste samples of fermented malt beverages on the brewery premises, manufacturing or rectifying premises, winery premises, or any retail outlet operated by the brewer, manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license or operator's permit and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person other than the licensee, permittee, or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit or on brewery premises, manufacturing or rectifying premises, winery premises, or any retail outlet operated by a brewer, manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3) unless he or she has an operator's license or operator's permit, is considered to have an operator's license under this subsection, or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent, or a person holding an operator's license or operator's permit, who is on the premises at the time of the service.

(2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

(3) CLOSING HOURS. (a) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par. (c). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.

(am) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(b) Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12 midnight and 6 a.m. Subsection (2) does not apply to Class "A" premises between 12 midnight and 6 a.m. or at any other time during which the sale of fermented malt beverages is prohibited by a municipal ordinance adopted under par. (d).

(c) Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, racetrack grounds, as defined in s. 125.27 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in par. (a).

(d) A municipality may, by ordinance, impose more restrictive hours than those provided in par. (am) or (b), but may not impose different hours than those provided in par. (a) or (c).

(3m) LIMITATIONS ON OTHER BUSINESS; CLASS "B" PREMISES. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

(a) A hotel.

(b) A restaurant, whether or not it is a part of or located in any mercantile establishment.

(c) A combination grocery store and tavern.

(d) A combination sporting goods store and tavern in towns, villages and 4th class cities.

(e) A combination novelty store and tavern.

(f) A bowling center or recreation premises.

(g) A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.

(h) A movie theater.

(i) A painting studio.

(j) Premises for which a temporary Class "B" license is issued under s. 125.26 (6) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

(k) Premises for which a Class "B" permit is issued under s. 125.27 (5).

(L) An axe throwing facility.

(5) SIGNS NEAR TAPS AND BRANDS ON TAP; CLASS "B" PREMISES. Every Class "B" licensee or permittee selling or offering for sale draught fermented malt beverages shall display a sign on or near each tap or faucet disclosing the brand of fermented malt beverage drawn from the tap or faucet and the name of the brewer or brewpub that manufactured it. No Class "B" licensee or permittee may substitute any other brand of fermented malt beverage in place of the brand designated on the sign with the intent to defraud or deceive the customer.

(6) LIMITATIONS ON BEVERAGES ON WHOLESALE AND RETAIL PREMISES. (a) Except as provided in s. 125.33 (2) (o) or (12), 125.69 (9), or 125.70, and subject to par. (c), no person may possess on the premises covered by a retail or wholesale fermented malt beverages license or permit any alcohol beverages not authorized by law for sale on the premises.

(b) No fermented malt beverage licensee or permittee may keep any beverages of an alcoholic content prohibited by federal law on the premises covered by the license or permit.

(c) Paragraph (a) does not prohibit a licensee under s. 125.26 from allowing, if the licensed premises are located in a public park within a 1st class city, a person who does not hold a license or permit under this chapter to possess and consume on the licensed premises fermented malt beverages that were not purchased from the licensee.

(7) LABELS. (a) No fermented malt beverages may be sold, offered, or exposed for sale, kept in possession with intent to sell, or served on any premises for which a license or permit for the sale of fermented malt beverages has been issued unless each barrel, keg, cask, bottle, or other container bears a label or other identification with the name and address of the brewer or brewpub that manufactured it. The possession of any fermented malt beverages which are not so identified on any premises for which a license or permit for the sale of fermented malt beverages has been issued is prima facie evidence that the fermented malt beverages are possessed with intent to sell, offer for sale, display for sale, or give away.

(b) No container containing fermented malt beverages may be sold, offered or exposed for sale, kept in possession with intent to sell or served on any premises for which a license or permit for the sale of fermented malt beverages has been issued unless there is a label or other identification on the container bearing a statement of its contents in fluid ounces in plain legible type.

History: 1981 c. 79; 1983 a. 27, 74, 192, 452; 1985 a. 28, 33, 221, 317; 1987 a. 27, 121; 1989 a. 253; 1991 a. 28, 39, 315; 1993 a. 112; 1995 a. 320; 2007 a. 3, 9, 20; 2009 a. 128; 2011 a. 32, 97; 2013 a. 268; 2015 a. 8, 62, 221; 2021 a. 39; 2023 a. 73.

Cross-reference: See also s. Tax 7.21, Wis. adm. code.

125.33 Restrictions on dealings between brewers, brewpubs, wholesalers, and retailers. (1) FURNISHING THINGS OF VALUE. (a) Except as provided in this section and s. 125.295, no brewer, brewpub, or wholesaler may furnish, give, lend, lease, or sell any furniture, fixtures, fittings, equipment, money, or other thing of value to any campus or Class "B" licensee or permittee, or to any person for the use, benefit, or relief of any campus or Class "B" licensee or permittee, or guarantee the repayment of any loan or the fulfillment of any financial obligation of any campus or Class "B" licensee or permittee. Such actions may not be taken by the brewer, brewpub, or wholesaler directly or indirectly, or through a subsidiary or affiliate corporation or limited liability company, or by any officer, director, stockholder, partner, or member thereof.

(b) No brewer, brewpub, or wholesaler may enter into any agreement whereby any campus or Class "B" licensee or permittee is required to purchase the fermented malt beverages of any brewer or brewpub to the exclusion of those manufactured by other brewers or brewpubs. Such contracts may not be entered into by the brewer, brewpub, or wholesaler, directly or indirectly, or through a subsidiary or an affiliate corporation or limited liability company, or by any officer, director, stockholder, partner, or member thereof.

(2) EXCEPTIONS. Notwithstanding the prohibitions in sub. (1), a brewer, brewpub, or wholesaler may:

(a) Give to any campus or Class "B" licensee or permittee, at any given time, for placement inside the premises, signs, clocks, or menu boards with an aggregate value of not more than $2,500. If a gift of any item would cause the $2,500 limit to be exceeded, the recipient shall pay the brewer, brewpub, or wholesaler the amount of the item's value in excess of $2,500. Each recipient shall keep an invoice or credit memo containing the name of the donor and the number and value of items received under this

paragraph. The value of an item is its cost to the donor. Each recipient shall make the records kept under this paragraph available to the division for inspection upon request.

(b) Give to any campus or Class "B" licensee or permittee any of the following:

1. Fermented malt beverage tap knobs.

2. Signs made from paper, cardboard, plastic, vinyl, or other like material for placement inside the premises, notwithstanding the aggregate value limitation of par. (a).

(c) Sell at fair market value to a campus or Class "B" licensee or permittee miscellaneous advertising matter, the items specified under pars. (a) and (b), nonmechanical coolers and tavern supply items used in the consumption of food or alcohol beverages.

(d) Sell to a campus or Class "B" licensee or permittee at fair market value equipment designed and intended to preserve and maintain the sanitary dispensing of fermented malt beverages or any services necessary to maintain this kind of equipment. A brewer, brewpub, or wholesaler shall charge the same price per unit of equipment to each campus or Class "B" licensee or permittee making the same or a similar purchase, and shall charge the same rate to each campus or Class "B" licensee or permittee purchasing maintenance services under this subdivision. Each brewer, brewpub, or wholesaler shall keep records of each transaction under this subdivision and shall make the records available to the division upon request.

(e) Sell at fair market value or maintain for a fair consideration dispensing equipment such as direct draw boxes, novelty boxes, coil boxes, beer storage boxes or tapping equipment, none of which may include bar additions, to campuses or Class "B" licensees and permittees for cash or on credit for not more than 2 years. Credit sales of equipment shall be evidenced by a written contract stating the terms, conditions and monthly payments. Within 10 days after the execution of the contract, the seller shall record the contract with the register of deeds for the county in which the equipment is installed.

(f) Sell consumable merchandise intended for resale, including the sale or loan of containers thereof, to campuses and Class "B" licensees and permittees in the regular course of business.

(g) Purchase advertising and other services and rights for a fair consideration from any corporate Class "B" licensee or permittee who is a member of a regularly established athletic league and whose principal business is the ownership, maintenance and operation of a professional athletic team playing a regular schedule of games and whose principal source of income is derived from the sale of tickets to games played by such teams.

(h) Contribute money or other things of value to or for the benefit of a nonprofit corporation, exempt under section 501 (c) (3) of the internal revenue code, as defined in s. 71.22 (4), which is conducting festivals of limited duration in a 1st class city if the festivals are sponsored and endorsed in whole or part by a municipal corporation.

(hm) Contribute money or other things of value to or for a nonprofit corporation which conducts an autumn ethnic festival of limited duration in a 2nd class city that had a population in 1986 of at least 49,000 but less than 50,000, if that festival is sponsored and endorsed in whole or part by that municipal corporation.

(hr) Enter into a landlord-tenant relationship with a Class "B" licensee or permittee if all of the requirements under s. 125.20 (6) (b) are satisfied.

(i) Lease or lend furniture, fixtures, fittings and equipment to any person in possession of a Class "B" premises where the furniture, fixtures, fittings and equipment were installed on the Class "B" premises prior to May 24, 1941. Any brewer or wholesaler who repossesses any furniture, fixtures, fittings or equipment leased, lent or sold to any Class "B" licensee or permittee may sell them to any Class "B" licensee or permittee, for cash on delivery only, and shall deliver a bill of sale to the purchaser. Any application for a Class "B" license or permit after May 24, 1941, shall contain an affidavit by the applicant, setting forth the ownership of the fixtures in or attached to the premises and if the fixtures are not owned by the applicant, the manner, terms and conditions under which the fixtures are held.

(j) Contribute money or other items of value to, or purchase advertising from, an institution of higher education which is exempt under section 501 (c) (3) of the internal revenue code, as defined in s. 71.22 (4), if the contribution or purchase is for a purpose other than the use, benefit, or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer, brewpub, or wholesaler by the institution or upon an agreement by the institution wholly or partly to exclude from sale the products of a competing brewer, brewpub, or wholesaler.

(k) Contribute money or other items of value, or purchase advertising from, a campus if the contribution or purchase is for a purpose other than the use, benefit, or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer, brewpub, or wholesaler by the campus or upon an agreement by the campus partly or wholly to exclude from sale the products of a competing brewer, brewpub, or wholesaler.

(L) 1. Purchase advertising for a fair consideration from a bona fide national or statewide trade association that derives its principal income from membership dues of Class "B" licensees.

2. Purchase advertising from a person who does not hold a license under this chapter and who conducts national or regional sweepstakes, contests, or promotions on the premises of Class "B" licensees or permittees that sell the brewer's, brewpub's, or wholesaler's products. The person may promote an event or activity in connection with a sweepstakes, contest, or promotion, including promoting the location of the event or activity, if the Class "B" licensee or permittee on whose premises the event or activity will occur does not receive money for hosting the event or activity and, except as provided in subd. 4., if the advertising for the event or activity identifies at least 4 unaffiliated Class "B" licensees or permittees.

3. Conduct national or regional sweepstakes, contests, or promotions on the premises of Class "B" licensees or permittees that sell the brewer's, brewpub's, or wholesaler's products. The brewer, brewpub, or wholesaler may promote an event or activity in connection with a sweepstakes, contest, or promotion, including promoting the location of the event or activity, if the Class "B" licensee or permittee on whose premises the event or activity will occur does not receive money for hosting the event or activity and, except as provided in subd. 4., if the advertising for the event or activity identifies at least 4 unaffiliated Class "B" licensees or permittees.

4. A brewer that manufactures less than 30,000 barrels of fermented malt beverages annually, or a brewpub, may purchase advertising under subd. 2., and may promote sweepstakes, contests, or promotions through advertising under subd. 3., if the advertising identifies at least one Class "B" licensee or permittee.

(m) Purchase products from a Class "B" licensee or permittee.

(n) 1. Provide, in this state, reasonable business entertainment that is deductible under section 162 of the internal revenue code to a Class "B" licensee or permittee by doing any of the following:

a. Providing tickets or free admissions to athletic events, concerts or similar activities.

b. Providing food and beverages and paying for local ground transportation in connection with activities described in subd. 1. a. and business meetings.

2. Notwithstanding subd. 1., no brewer, brewpub, or wholesaler may provide business entertainment to a Class "B" licensee or permittee under subd. 1. in one day that has a value exceeding $500, and no brewer, brewpub, or wholesaler may provide business entertainment to a Class "B" licensee or permittee under subd. 1. on more than 8 days in any calendar year.

(o) Furnish, free of charge, on Class "B" premises, taste samples of fermented malt beverages to any person who has attained the legal drinking age and who is attending a trade show, conference, convention or similar business meeting, that is held on those premises, of a bona fide national or statewide trade association that derives income from membership dues of Class "B" licensees. Taste samples may not be furnished under this paragraph at more than 2 such events of any one trade association per year. No fermented malt beverages brought on Class "B" premises under this paragraph may remain on those premises after the close of the trade show, conference, convention or business meeting.

(p) 1. Have present not more than 3 individuals representing the brewer or brewpub at a fermented malt beverages tasting event that lasts 2 days or less and at which taste samples of fermented malt beverages brewed or sold by at least 5 different brewers or brewpubs are offered for consumption by persons who either pay for the taste samples or pay a charge for admission to the event. Any individual representing a brewer or brewpub shall confine his or her activities on the premises to ensuring the integrity of, providing information about, and dispensing the brewer's or brewpub's fermented malt beverages.

2. No Class "B" licensee or permittee may allow more than one event described in subd. 1. on the premises within one year.

(2m) EXCEPTION FOR GOLF COURSE. Notwithstanding the prohibitions in sub. (1), a wholesaler may have an interest in a corporation that owns and operates a golf course and leases premises on the golf course to the holder of a Class "B" license or permit for the premises, if the wholesaler's license and the Class "B" license or permit were originally issued to the corporation and to the Class "B" licensee or permittee before June 1, 1981. The wholesaler's license and the Class "B" license or permit shall be renewed annually upon application, unless revoked under s. 125.12. An application for a wholesaler's license to which this subsection applies shall have attached to it an affidavit stating the applicant's interest in the Class "B" premises.

(2s) EXCEPTION FOR RETAIL TRADE ASSOCIATION CONTRIBUTIONS. Notwithstanding the prohibitions in sub. (1), a brewer, brewpub, or wholesaler may contribute money or other things of value to a bona fide national, statewide, or local trade association that derives its principal income from membership dues of Class "B" licensees.

(3) EXEMPTION FOR CERTAIN REAL ESTATE. The restrictions contained in sub. (1) do not apply to real estate owned in whole or part on May 24, 1941, by any brewer or wholesaler, directly or indirectly, or through or by a subsidiary or affiliate corporation, or by any officer, director, stockholder, partner or trustee for any of the foregoing, or upon which any of the foregoing held a valid lien on May 24, 1941, or to any real estate owned in whole or part by any of the foregoing upon which there is or may be a hotel of 100 or more rooms.

(4) COMMERCIAL CREDIT. Nothing in sub. (1) affects the extension of usual and customary commercial credits for products of the fermented malt beverages industry actually sold and delivered.

(5) VIOLATIONS. Any licensee or permittee who is a party to any violation of sub. (1) or who receives the benefits thereof shall be guilty of the violation.

(6) VOLUME DISCOUNTS TO RETAILERS. Wholesalers of fermented malt beverages, and brewpubs with respect to sales of fermented malt beverages authorized under s. 125.295 (1) (g), shall charge the same price to all campuses and retail licensees and permittees making purchases in similar quantities. Any discount offered on fermented malt beverages shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(7) RETAIL PURCHASE CREDIT RESTRICTIONS. (a) *Restrictions on sales.* 1. No fermented malt beverages retail licensee or permittee may:

a. Receive, purchase, or acquire fermented malt beverages from any wholesale permittee or from any brewpub acting under authority of s. 125.295 (1) (g), except for cash or credit for a period of not more than 15 days.

b. Receive, purchase, or acquire fermented malt beverages from any wholesale permittee, or from any brewpub acting under authority of s. 125.295 (1) (g), if at the time of the receipt, purchase, or acquisition he or she is indebted to any wholesale permittee or brewpub for fermented malt beverages received, purchased, acquired, or delivered more than 15 days earlier.

2. No campus or fermented malt beverage retail licensee or permittee may receive any fermented malt beverages on consignment or on any basis other than a bona fide sale.

(b) *Restrictions on issuance of licenses and permits.* No Class "A" or Class "B" license or permit may be issued to a person having an indebtedness for fermented malt beverages outstanding for more than 15 days. In each application for a Class "A" or Class "B" license or permit, the applicant shall state whether he or she has indebtedness for fermented malt beverages to any licensee, permittee, or brewpub which has been outstanding for more than 15 days.

(c) *Brewpubs.* For purposes of this subsection, a brewpub, when acting under authority of a retail license with respect to fermented malt beverages not manufactured by the brewpub, is deemed a fermented malt beverages retailer. This paragraph does not affect any provision of this subsection with respect to a brewpub acting under authority of s. 125.295 (1) (g).

(d) *Penalties.* A retail licensee or permittee who violates this subsection is subject to the penalties under s. 125.11 except that he or she may not be imprisoned. No brewer, brewpub, or wholesaler may be subjected to any penalty as the result of the sale of fermented malt beverages to a campus or retail licensee or permittee when purchased by the campus or retail licensee or permittee in violation of this subsection.

(7m) CONDITIONAL PURCHASES. No Class "A" or Class "B" licensee may condition the purchase of fermented malt beverages from a brewer, brewpub, or wholesaler upon the furnishing by the brewer, brewpub, or wholesaler of any thing of value, other than the products purchased, to the licensee or to any person for the use, benefit, or relief of the licensee.

(8) EXCLUSIVE SALES BY WHOLESALER. A wholesaler may not sell or offer to sell a brand of fermented malt beverages exclusively to one Class "A" licensee or to a group of Class "A" licensees affiliated through common ownership, management or control, unless the brand of fermented malt beverages is produced by a brewer that produces less than 300,000 barrels of fermented malt beverages in a calendar year or by a brewpub.

(9) CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS. (a) Except as provided in ss. 125.29 (3m) (b) and (c),

125.295 (1) (g), and 125.30 (4), no campus or retail licensee or permittee may purchase or possess fermented malt beverages purchased from any person other than a wholesaler holding a permit under this chapter for the sale of fermented malt beverages.

(b) Any person who violates par. (a), if the total volume of fermented malt beverages purchased or possessed by that person in one month is 4,320 fluid ounces or less, may be required to forfeit not more than $100. A person who purchases or possesses more than 4,320 fluid ounces of fermented malt beverages in one month in violation of par. (a) shall be fined not more than $10,000 or imprisoned for not more than 9 months or both.

(c) Notwithstanding par. (b), a Class "B" licensee or permittee who purchases fermented malt beverages from a Class "A" licensee for resale or who possesses fermented malt beverages purchased from a Class "A" licensee for resale may be fined not more than $100.

(10) COMPENSATION FOR TERMINATION OF WHOLESALER DISTRIBUTION RIGHTS. (a) In this subsection:

1. "Brand" means any word, name, group of letters, symbols, or combination thereof, including the name of the brewer or brewpub if the brewer's or brewpub's name is also a significant part of the product name, adopted and used by a brewer or brewpub to identify a specific fermented malt beverage product and to distinguish that product from other fermented malt beverages produced by that brewer or brewpub or other brewers or brewpubs.

2. "Discontinued brand" means, with respect to a terminated wholesaler, any brand of fermented malt beverages for which a brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit has terminated, cancelled, or failed to renew an agreement, whether oral or written, with the wholesaler to supply that brand.

3. "Successor wholesaler" means any wholesaler who enters into an agreement, whether oral or written, to obtain a supply of a brand of fermented malt beverages that is a discontinued brand, or otherwise acquires the right to act as a wholesaler for a discontinued brand, from a brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit for purposes of selling the discontinued brand in a specifically defined territory, if the discontinued brand was sold by a terminated wholesaler in any portion of this same territory at a time immediately before the brand of fermented malt beverages became a discontinued brand.

4. "Terminated wholesaler" means a wholesaler with whom a brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit has terminated, cancelled, or failed to renew an agreement, whether oral or written, to supply a brand of fermented malt beverages to that wholesaler.

(b) Except as provided in par. (c) and subject to pars. (d) and (e), a successor wholesaler shall compensate a terminated wholesaler for the fair market value of the terminated wholesaler's distribution rights to any discontinued brand of fermented malt beverages assumed by the successor wholesaler for the same territory, less any amount paid to the terminated wholesaler by the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit for the discontinued brand. If the terminated wholesaler's distribution rights to any discontinued brand of fermented malt beverages are divided among 2 or more successor wholesalers, each successor wholesaler shall compensate the terminated wholesaler for the fair market value of the distribution rights to any discontinued brand of fermented malt beverages assumed by that successor wholesaler for the applicable part of the same territory, less any amount paid to the terminated wholesaler by the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit for the discontinued brand. A terminated wholesaler may not receive under this paragraph total compensation from the successor wholesaler and brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit that exceeds the fair market value of the terminated wholesaler's distribution rights specified under this paragraph.

(c) A successor wholesaler is not required to compensate a terminated wholesaler under par. (b) if the terminated wholesaler's agreement was terminated, cancelled, or not renewed for any of the following reasons:

1. The wholesaler or a principal of the wholesaler engaged in material fraudulent conduct or made substantial misrepresentations in its dealings with the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit or with others regarding any brand of the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit.

2. The wholesaler or a principal of the wholesaler was convicted of, or pleaded no contest to, a felony crime.

3. The wholesaler or a principal of the wholesaler knowingly distributed any brand of the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit outside the territory authorized by the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit for distribution of the brand.

4. The wholesaler or a principal of the wholesaler became insolvent or instituted bankruptcy proceedings, dissolved or liquidated the wholesaler's business, or assigned or attempted to assign the assets of the wholesaler's business for the benefit of creditors.

(d) If a terminated wholesaler and a successor wholesaler agree to the fair market value of the terminated wholesaler's distribution rights to any discontinued brand of fermented malt beverages assumed by the successor wholesaler for the same territory, the successor wholesaler shall pay the agreed upon sum to the terminated wholesaler within 30 days of the date on which the parties reach the agreement. If the parties cannot agree on the compensation due to the terminated wholesaler, upon written demand of either party, the parties shall submit their dispute for binding arbitration, subject to ch. 788, under the commercial arbitration rules of the American Arbitration Association if possible or, if not possible, by a nationally recognized arbitration association. The arbitration shall be conducted on an expedited basis to the extent an expedited proceeding is available. The arbitration shall commence within 90 days after the successor wholesaler obtains rights to receive a supply of a brand of fermented malt beverages, that is a discontinued brand of fermented malt beverages, of the terminated wholesaler, unless this time period is extended by mutual agreement of the parties or by the arbitrator. If the arbitrator awards compensation to the terminated wholesaler under this paragraph, the successor wholesaler shall pay the awarded compensation to the terminated wholesaler within 30 days of the date of the arbitrator's decision. The terminated wholesaler and the successor wholesaler shall each pay an equal share of the costs of arbitration.

(e) This subsection does not apply if the terminated wholesaler is a dealer, as defined in s. 135.02 (2), whose business relationship as to any discontinued brand constitutes a dealership, as defined in s. 135.02 (3) (a), as determined by a court of competent jurisdiction. Any arbitration proceeding under par. (d) shall be stayed pending this determination.

(11) SOURCE OF FERMENTED MALT BEVERAGES. (a) Subject to s. 125.34 (3), no wholesaler authorized to make retail sales under s. 125.28 (1) (e) may sell a brand of fermented malt beverages to a retail licensee unless the wholesaler has an agreement for

general wholesale distribution of that brand of fermented malt beverages with the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit supplying that brand.

(b) If a wholesaler violates par. (a), any other wholesaler aggrieved by such violation or the brewer or brewpub may bring an action against such wholesaler in any court of competent jurisdiction for damages sustained by the aggrieved wholesaler or the brewer or brewpub as a consequence of the violation, together with the actual costs of the action. Notwithstanding s. 814.04 (1), a wholesaler or the brewer or brewpub who prevails in an action under this paragraph may recover reasonable actual attorney fees incurred in the action.

(12) PROVIDING TASTE SAMPLES ON RETAIL PREMISES. Notwithstanding s. 125.34 (6), with the consent of the Class "A" or Class "B" licensee, a brewer may provide, free of charge, on Class "A" or Class "B" premises, taste samples of fermented malt beverages to any person who has attained the legal drinking age for consumption on the premises between the hours of 11 a.m. and 7 p.m. The provision of taste samples under this subsection shall be subject to the same limitations that apply to taste samples provided by a Class "A" licensee under s. 125.25 (1). A brewer may provide taste samples of any fermented malt beverages that the brewer purchased from the retail licensee or that the brewer produced on premises covered by its brewer's permit and brings to the retail premises, but the brewer may not leave at the retail premises any unused fermented malt beverages not purchased from the retail licensee. A brewer may provide taste samples under this subsection through an individual representing the brewer who is hired by the brewer and who is not employed by or an agent of a wholesaler. All provisions of this subsection that apply to a brewer apply equally to any individual representing a brewer.

(13) WHOLESALERS' SOURCE OF SUPPLY. No wholesaler may purchase fermented malt beverages for resale unless the wholesaler purchases them either from the primary source of supply for the brand of fermented malt beverages sought to be sold or from a wholesaler within this state that holds a permit issued under s. 125.28. No wholesaler may sell fermented malt beverages purchased by the wholesaler to any other licensee or permittee under this chapter if the fermented malt beverages have not been purchased by the wholesaler from the primary source of supply or from a wholesaler within the state holding a permit issued under s. 125.28.

(14) SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS. It is not a violation of this chapter for a brewer, brewpub, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail Class "B" license, the sponsorship exception is strictly applied only to the state fair park location.

History: 1981 c. 79, 202; 1983 a. 26, 67, 68, 182, 192, 538; 1985 a. 15, 135; 1987 a. 308; 1989 a. 31, 253; 1991 a. 39; 1993 a. 112, 301; 1995 a. 320; 1997 a. 132, 166; 2001 a. 16, 38, 105; 2003 a. 303; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32; 2021 a. 43; 2023 a. 73.

The selective discount ban under s. 66.054 (8a) (i) [now sub. (6)] is constitutional. State v. Kay Distributing Co., 110 Wis. 2d 29, 327 N.W.2d 188 (Ct. App. 1982).

Sub. (1) (a) prohibits a person from having an interest in real estate leased to a Class "B" licensee while also being a director, officer, or shareholder of a brewery. 77 Atty. Gen. 76.

125.34 Distribution restrictions on wholesalers, brewers, brewpubs, and out-of-state shippers. (1) In this section:

(a) "Brand" means any word, name, group of letters, symbol, or combination thereof, including the name of the brewer, brewpub, or out-of-state shipper if the brewer's, brewpub's, or out-of-state shipper's name is also a significant part of the product name, adopted and used by a brewer, brewpub, or out-of-state shipper to identify a specific fermented malt beverage product and to distinguish that product from other fermented malt beverages produced by that brewer, brewpub, or out-of-state shipper or other brewers, brewpubs, or out-of-state shippers.

(b) "Brewer" means a permittee under s. 125.29.

(c) "Designated sales territory" means the geographical area identified in a written agreement between a wholesaler and a brewer, brewpub, or out-of-state shipper under which the wholesaler is authorized to distribute one or more brands of fermented malt beverages supplied by the brewer, brewpub, or out-of-state shipper.

(d) "Out-of-state shipper" means a permittee under s. 125.30.

(e) "Retailer" means any person holding a Class "A" license or a Class "B" license or permit.

(f) "Retail premises" means the premises described in a Class "A" license or a Class "B" license or permit.

(g) "Wholesaler" means a permittee under s. 125.28.

(2) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (e) and (g), and 125.30 (4), no fermented malt beverages may be sold, transported, or delivered to a retailer unless, prior to such sale, transport, or delivery, the fermented malt beverages are first unloaded at, physically at rest at, and only then distributed from a wholesaler's warehouse premises covered by both a wholesaler's permit issued under s. 125.28 and an alcohol beverage warehouse permit issued under s. 125.19, which premises shall be in this state. This subsection does not apply to a wholesaler issued a wholesaler's permit under s. 125.28 (1) (b) with respect to fermented malt beverages transported and delivered from a warehouse in an adjoining state unless the wholesaler's warehouse in the adjoining state is located on premises in the adjoining state used for the manufacture of fermented malt beverages.

(3) (a) 1. A wholesaler may not sell, transport, or deliver any brand of fermented malt beverages unless the wholesaler has entered into a written agreement with the brewer, brewpub, or out-of-state shipper supplying the brand that grants to the wholesaler distribution rights for the brand and identifies the designated sales territory for which such distribution rights are granted, including the precise geographical area comprising the designated sales territory.

2. A brewer, brewpub, or out-of-state shipper may not, in any agreement under this paragraph, grant to more than one wholesaler distribution rights for the same brand in the same designated sales territory or in any part of the same designated sales territory.

(b) Within a wholesaler's designated sales territory for any brand of fermented malt beverages, the wholesaler may not refuse to sell the brand of fermented malt beverages, or refuse to offer reasonable service related to the sale of the brand of fermented malt beverages, to any retailer.

(4) No wholesaler may sell, transport, or deliver, or cause to be sold, transported, or delivered, any brand of fermented malt beverages to any of the following:

(a) Any retailer located outside the wholesaler's designated sales territory for the brand. This paragraph does not apply if another wholesaler that has been granted distribution rights for the brand in the designated sales territory where the sale, transportation, or delivery occurs is unable to service this designated sales territory and the brewer, brewpub, or out-of-state shipper granting distribution rights has, notwithstanding sub. (3) (a), given consent for the sale, transportation, or delivery, which consent shall be limited to the time period that another wholesaler is unable to service this designated sales territory.

(b) Any person, other than another wholesaler, that the wholesaler knows or should know will transport the product for resale

in a designated sales territory for which another wholesaler has been granted distribution rights for the brand.

(5) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (e) and (g), and 125.30 (4), deliveries of fermented malt beverages to retailers may be made only by wholesalers and shall be made to retailers only at their retail premises. No retailer may transport fermented malt beverages from one retail premises to another retail premises for purposes of selling the fermented malt beverages at the other retail premises unless both retail premises are operated by a brewpub holding the retail licenses.

(6) Except as provided in ss. 125.29 (3), (3m) (b) and (c), and (7) and 125.30 (4), a brewer or out-of-state shipper may sell, transport, and deliver fermented malt beverages only to a wholesaler.

History: 2005 a. 103, 115; 2007 a. 20; 2011 a. 32; 2013 a. 166; 2023 a. 73.

SUBCHAPTER III

INTOXICATING LIQUOR

125.51 Retail licenses and permits. (1) MUNICIPAL AUTHORITY TO ISSUE. (a) Subject to sub. (2) (e) 2., every municipal governing body may grant and issue "Class A" and "Class B" licenses for retail sales of intoxicating liquor, and "Class C" licenses for retail sales of wine, from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper and may authorize an official or body of the municipality to issue temporary "Class B" licenses under sub. (10).

(b) No member of the municipal governing body may hold a permit under s. 125.54 or, with respect to the issuance or denial of licenses under this section, do any act in violation of s. 19.59 (1).

(c) 1. Except as provided in subd. 2., the municipal governing body, or the duly authorized committee of a city council, shall meet not later than May 15 annually, and be in session from day to day thereafter so long as may be necessary, for the purpose of acting upon license applications filed with it on or before April 15. Subject to sub. (2) (e) 2., the governing body or committee shall grant, issue, or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The governing body or committee may accept and act upon any application filed at any other time. The governing body or committee may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in its clerk's minutes.

2. The governing body of a 1st class city shall establish and publish notice of the dates on which it, or its duly authorized committee, will meet and act on license applications.

(2) RETAIL "CLASS A" LICENSE. (a) A "Class A" license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.

(am) In addition to the authorization under par. (a), a "Class A" license authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age, taste samples of intoxicating liquor that are not in original packages or containers for consumption on the "Class A" premises. Taste samples may be provided under this paragraph only between the hours of 11 a.m. and 7 p.m. and may not exceed the quantities specified in s. 125.69 (9) (b). Any representative of a manufacturer, rectifier, winery, or out-of-state shipper issued a permit under s. 125.52, 125.53, or 125.58 may assist the "Class A" licensee in dispensing or serving the taste samples. No "Class A" licensee may provide as taste samples under this paragraph intoxicating liquor that the "Class A" licensee did not purchase from a wholesaler.

(b) Except as provided under s. 125.69, "Class A" licenses may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(c) "Class A" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12).

(d) 1. The annual fee for a "Class A" license shall be determined by the municipal governing body and shall be the same for all "Class A" licenses, except that the minimum fee is $50 and the maximum fee is $500.

2. Notwithstanding subd. 1., there is no annual fee or initial issuance fee for a "Class A" license issued under par. (e) 2.

(e) 1. In this paragraph, "cider" means any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider.

2. Notwithstanding s. 125.68 (3), upon application, a municipal governing body shall grant and issue a "Class A" license to the applicant if all of the following apply:

a. The application is made for a "Class A" license containing the condition that retail sales of intoxicating liquor are limited to cider.

b. The applicant holds a Class "A" license issued under s. 125.25 for the same premises for which the "Class A" license application is made.

3. Notwithstanding pars. (a) and (am) and s. 125.69 (9), a person issued a "Class A" license under subd. 2. may not make retail sales, or provide taste samples, of any intoxicating liquor other than cider, and may not allow a winery, manufacturer, or rectifier to provide taste samples of any intoxicating liquor other than cider, on the "Class A" premises.

(3) RETAIL "CLASS B" LICENSE. (a) A "Class B" license authorizes the retail sale of intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b).

(b) In all municipalities electing by ordinance to come under this paragraph, a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. The "Class B" license also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.

(bg) 1. In this paragraph, "bulk container" means a container exceeding 1.75 liters in volume.

2. This paragraph applies only with respect to a "Class B" licensee exercising its authority under par. (a) or (b) to make retail sales of intoxicating liquor for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises.

3. Notwithstanding s. 125.03 (2) and any rule promulgated thereunder, a "Class B" licensee may, on the licensed premises, prepare, store, and dispense mixed drinks containing intoxicating

liquor, in advance of sale as described in subd. 2., if all of the following apply:

a. The mixed drink is provided to the consumer in a glass or other container not exceeding 72 ounces in volume.

b. The mixed drink has not been stored in a container for more than 48 hours prior to its sale to a customer.

c. If the mixed drink is stored in or dispensed from a bulk container, the bulk container does not exceed 5 gallons in volume and is labeled in compliance with the requirements established under subd. 4.

d. The licensee has not stored the mixed drink in or dispensed the mixed drink from a wine bottle and has ensured compliance with ss. 125.68 (8) (a) 2. and 3. and 125.69 (6), as well as compliance with any other applicable state or federal food safety regulation and any federal alcohol regulation.

4. The division shall prescribe the form of the label to be used by "Class B" licensees under subd. 3. c., but the form shall require the licensee to disclose on the label all of the following information:

a. That the container holds a batch of premixed drinks and the date and time the batch was prepared.

b. Following the words "expiration date," the date and time that is 48 hours after the date and time the batch was prepared.

c. The words "contains alcohol."

d. The name of the person who prepared the batch of premixed drinks in the container.

e. The ingredients of the batch of premixed drinks, unless the label contains a recipe title for the batch and the recipe, with a complete ingredient list, is maintained on the "Class B" premises and is available for inspection.

5. Section 125.68 (9) (b) does not apply with respect to a container used by a "Class B" licensee solely to prepare, store, or dispense mixed drinks in compliance with this paragraph.

(bm) Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and (9), a "Class B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest's room which is not part of the "Class B" premises. Intoxicating liquor furnished under this paragraph shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating liquor shall be removed from the room, when the room is not occupied and when intoxicating liquor is not being furnished under this paragraph. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the intoxicating liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of intoxicating liquor furnished under this paragraph is considered to occur at the time and place that the guest pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the guest may pay for the intoxicating liquor at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this paragraph shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or the holder of a manager's or operator's license or operator's permit, or be supervised by one of those individuals.

(bs) 1. In this paragraph:

a. "Coliseum" means a multipurpose facility designed principally for sports events, with a capacity of 18,000 or more persons.

b. "Concessionaire" means a person designated by the owner or operator of a coliseum to operate premises in the coliseum and to provide intoxicating liquor to holders of coliseum suites.

2. Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and (9), a "Class B" license authorizes a person operating a coliseum to furnish the holder of a coliseum suite who has attained the legal drinking age with a selection of intoxicating liquor in the coliseum suite that is not part of the "Class B" premises. Intoxicating liquor furnished under this subdivision shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place or the coliseum suite must be capable of being locked. The cabinet, refrigerator or other secure storage place or the coliseum suite shall be locked, or the intoxicating liquor shall be removed from the coliseum suite, when the coliseum suite is not occupied and when intoxicating liquor is not being furnished under this subdivision. Intoxicating liquor may be furnished at the time the holder of the coliseum suite occupies the coliseum suite, but for purposes of this chapter, the sale of intoxicating liquor furnished under this subdivision is considered to occur at the time and place that the holder pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the holder of a coliseum suite may pay for the intoxicating liquor at any time if he or she pays in accordance with an agreement with the person operating the coliseum or with the concessionaire. An individual who stocks or accepts payment for alcohol beverages under this subdivision shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or the holder of a manager's or operator's license or operator's permit, or be supervised by one of those individuals.

(bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding subs. (1) (a) and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer's licensed premises, as described under par. (d) in the caterer's "Class B" license, and even if the National Railroad Museum is not located within the municipality that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer's "Class B" licensed premises. This paragraph does not authorize the National Railroad Museum to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the National Railroad Museum holds a "Class B" license.

(bv) 1. Subject to subds. 2. and 3., and notwithstanding ss. 125.04 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to subds. 2. and 3., and notwithstanding pars. (a) and (b) and sub. (1) (a) and s. 125.32 (6) (a), a caterer may provide intoxicating liquor under this subdivision at any location on racetrack grounds even though the racetrack grounds are not part of the caterer's licensed premises, as described under par. (d) in the caterer's "Class B" license, and even if the racetrack grounds are not located within the municipality that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor un-

der this subdivision is subject to s. 125.68 (2) and (4) as if the intoxicating liquor were provided on the caterer's "Class B" licensed premises.

2. A caterer may not provide intoxicating liquor under subd. 1. at any designated camping area on racetrack grounds while the area is in use for camping.

3. A caterer may not provide intoxicating liquor under subd. 1. on any premises covered by a permit issued under sub. (5) (f) or s. 125.27 (5).

(bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a), a caterer may provide intoxicating liquor under this paragraph at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under par. (d) in the caterer's "Class B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer's "Class B" licensed premises. This paragraph does not authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the Heritage Hill state park holds a "Class B" license.

(bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1) also authorizes the licensee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee's "Class B" licensed premises are located in Ozaukee County. Notwithstanding pars. (a) and (b) and sub. (1) (a), a licensee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee's licensed premises, as described under par. (d) in the licensee's "Class B" license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the licensee's "Class B" license. A licensee that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the licensee's "Class B" licensed premises. This paragraph does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale.

(c) Except as provided under s. 125.69, a "Class B" license may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(d) "Class B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12).

(dm) A municipality may issue a "Class B" license authorizing retail sales of intoxicating liquor on a railroad car while the railroad car is standing in a specified location in the municipality.

(e) 1. Except as provided in subds. 2. to 4. and 6., the annual fee for a "Class B" license shall be established by the municipal governing body and shall be the same for all "Class B" licenses, except that the minimum fee shall be $50 and the maximum fee shall be $500. The minimum fee does not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

2. Each municipal governing body shall establish the fee, in an amount not less than $10,000, for an initial issuance of a reserve "Class B" license, as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement area enumerated under sub. (4) (x) 2., for an initial issuance of a "Class B" license under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to any other fee required under this chapter. The annual fee for renewal of a reserve "Class B" license, as defined in sub. (4) (a) 1., and a "Class B" license issued under sub. (4) (x) 3. or 4. is the fee established under subd. 1. A municipality may not rebate or refund to a "Class B" licensee or a person affiliated with the "Class B" licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve "Class B" license.

3. Each municipal governing body shall establish the annual fee for a "Class B" license issued under sub. (4) (v), except that neither the fee for an initial issuance of, nor the annual fee for, a "Class B" license issued under sub. (4) (v) 4. may exceed any fee established under subd. 1. The initial fee may be different from the annual fee to renew the license.

4. Each municipal governing body that transfers a license under sub. (4) (e) shall establish the fee, in an amount not less than $10,000, for issuance of a reserve "Class B" license after it has been transferred under sub. (4) (e). A municipality may not rebate or refund to a "Class B" licensee or a person affiliated with the "Class B" licensee or with the license application process, including through any grant or tax credit program, the fee paid under this subdivision for issuance of the license after transfer. The annual fee for renewal of a reserve "Class B" license after it has been transferred and reissued under sub. (4) (e) is the fee established under subd. 1.

5. Notwithstanding subd. 2., a municipal governing body may not establish an initial issuance fee for a "Class B" license issued under sub. (4) (w) 5. that exceeds the annual fee established for the license under subd. 1.

6. Notwithstanding subd. 2., each municipal governing body that has designated a premier economic development district under sub. (4) (u) 2. shall establish the fee, in an amount not less than $30,000, for initial issuance of a reserve "Class B" license under sub. (4) (u) 3. A municipality may not rebate or refund to a "Class B" licensee or a person affiliated with the "Class B" licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve "Class B" license under sub. (4) (u) 3. The annual fee for renewal of a reserve "Class B" license issued under sub. (4) (u) 3. is the fee established under subd. 1.

(f) A "Class B" license may be issued only to a holder of a retail Class "B" license to sell fermented malt beverages unless the "Class B" license is a temporary "Class B" license under sub. (10).

(3m) RETAIL "CLASS C" LICENSE. (b) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(c) Except as provided under s. 125.69, a "Class C" license may be issued to a person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(d) A "Class C" license shall particularly describe the premises for which it is issued.

(e) The annual fee for a "Class C" license shall be determined by the municipal governing body issuing the license. The fee shall not exceed $100 and shall be the same for all "Class C" licenses.

(3r) SALES OF WINE BY THE BOTTLE IN RESTAURANTS. (a) Notwithstanding subs. (3) (a) and (b) and (3m) (b), a "Class B" license or "Class C" license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:

1. The licensed premises is a restaurant also operated under a "Class B" or "Class C" license and the purchaser of the wine orders food to be consumed on the licensed premises.

2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.

3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted or the cap is reattached at a time other than during the time period specified in s. 125.68 (4) (c) 3.

(b) Nothing in this subsection restricts a licensee's authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

(4) QUOTAS ON "CLASS B" LICENSES. (a) In this subsection:

1. "License" means a retail "Class B" license issued under sub. (3).

2. "Population" means the number of inhabitants in the previous year determined by the department of administration under s. 16.96 (2) for purposes of revenue sharing distribution.

3. "Quota" means the number of licenses which a municipality may grant or issue.

4. "Reserve "Class B" license" means a license that is not granted or issued by a municipality on December 1, 1997, and that is counted under par. (br).

(am) No municipality may issue a license that would cause the municipality to exceed its quota.

(b) Except as provided in pars. (c) and (d), the quota of each municipality is the sum of the following:

1g. The number of licenses granted or issued in good faith by the municipality and in force on December 1, 1997.

1m. The number of the municipality's reserve "Class B" licenses determined under par. (bm) 3.

(bm) The clerk of each municipality shall record the municipality's population, as defined in par. (a) 2., and the number of licenses:

1. Authorized to be issued by the municipality on December 1, 1997, under s. 125.51 (4), 1995 stats.;

2. Described in par. (b) 1g.; and

3. That are reserve "Class B" licenses.

(br) 1. Except as provided in subd. 2., the number of reserve "Class B" licenses authorized to be issued by a municipality shall be determined as follows:

a. Subtract 3 from the number recorded under par. (bm) 1.

b. Subtract the number recorded under par. (bm) 2. from the result under subd. 1. a.

c. Divide the result under subd. 1. b. by 2, except that if the result is not a whole number round the quotient down to the nearest whole number.

d. Add 3 to the result under subd. 1. c.

e. Add one license per each increase of 500 population to the population recorded under par. (bm).

f. Add one license if the municipality had issued a license under s. 125.51 (4) (br) 1. e., 1999 stats., based on a fraction of 500 population, but a municipality's quota is only increased under this subd. 1. f. as long as the total number of licenses issued by the municipality equals the maximum number of licenses authorized, including under this subd. 1. f.

g. Add one license for each license transferred to the municipality under par. (e).

h. Subtract one license for each license transferred from the municipality under par. (e).

2. Notwithstanding subd. 1., if the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer, the number of reserve "Class B" licenses authorized to be issued by that municipality is the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1., plus one per each increase of 500 population to the population recorded under par. (bm), plus one for each license transferred to the municipality under par. (e), minus one for each license transferred from the municipality under par. (e), plus one if the municipality had issued a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population but only as long as the total number of licenses issued by the municipality equals the maximum number of licenses authorized.

(c) If territory containing premises covered by a license or reserve "Class B" license is annexed to a municipality and if the municipality's quota would not otherwise allow a license or reserve "Class B" license for the premises, the quota is increased to include the license or reserve "Class B" license of each premises in the annexed territory.

(d) Detachment of territory decreases the quota of the remainder of the municipality by the number of licenses or reserve "Class B" licenses issued for premises in the detached territory, except that detachment does not decrease the quota of the remainder to less than one license per 500 persons or less than one license.

(e) 1. A municipality may make a request to another municipality located in whole or in part in the same county as the requesting municipality that the other municipality transfer a reserve "Class B" license to the requesting municipality. If the request is granted, the reserve "Class B" license shall be transferred.

2. A municipality may transfer or receive more than one reserve "Class B" license under this paragraph as long as each transfer meets the requirements of this paragraph, but a municipality may not transfer more than 3 reserve "Class B" licenses under this paragraph.

3. After transfer of a reserve "Class B" license under this paragraph, the municipality receiving the reserve "Class B" license may issue and renew the reserve "Class B" license in the same manner as other reserve "Class B" licenses that have not been so transferred, except that the fee under sub. (3) (e) 4., not sub. (3) (e) 2., applies upon issuance of the reserve "Class B" license by the receiving municipality after the transfer. Upon receipt of the issuance fee from the licensee, the receiving municipality shall remit this issuance fee to the municipality that transferred the license.

4. Notwithstanding subds. 1. to 3., if a municipality has not issued any licenses, the municipality may not transfer any licenses under this paragraph.

(u) 1. In this paragraph:

a. "Economic development project" means a project or projects within a premier economic development district that, alone or together, have an estimated comprehensive new construction assessed valuation increase of at least $20,000,000, as established and certified by an independent 3rd-party appraiser

or market research firm that provides a written report regarding the estimated value to be created by the project or projects.

b. "Premier economic development district" means a geographic area designated under subd. 2.

2. A municipality may, by ordinance enacted by at least a two-thirds vote of the municipality's governing body, designate a geographic area within the municipality as a premier economic development district if all of the following apply:

a. The geographic area does not exceed 40 acres and the boundaries of the geographic area are precisely identified in the ordinance.

b. No part of the geographic area is physically separated from the rest of the geographic area so that, except for public streets, similar community infrastructure, and rivers and other waterways, each portion of the geographic area is contiguous with some other portion of the geographic area.

c. The geographic area does not include any land that is zoned exclusively for industrial use or zoned exclusively for single-family or 2-family residences.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a municipality that has designated a premier economic development district may issue up to 2 "Class B" licenses in connection with an economic development project within the premier economic development district, in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d) and in addition to any license under par. (v) or (w).

4. A "Class B" license issued under subd. 3. may not be transferred under s. 125.04 (12) (b) 4. If a "Class B" license issued under subd. 3. is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license only for premises located within the premier economic development district.

5. A municipality may not designate more than one premier economic development district under this paragraph.

6. Not more than 2 "Class B" licenses may be issued under this paragraph for premises within a premier economic development district, regardless of the number of economic development projects within the premier economic development district.

(v) Notwithstanding par. (am), if a municipality has granted or issued a number of licenses equal to or exceeding its quota, the municipal governing body may issue a license for any of the following:

1. A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.

2. A hotel that has 50 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.

3. An opera house or theater for the performing arts operated by a nonprofit organization, as defined in s. 134.695 (1) (am). Notwithstanding sub. (3) (a) and (b), a "Class B" license issued under this subdivision authorizes the retail sale of intoxicating liquor only for consumption on the premises where sold and only in connection with ticketed performances.

4. A full-service restaurant that has a seating capacity of 75 to 100 persons on November 26, 2009; is located in a commercial building; prepares, serves, and sells food to the public; has a separate dining area with permanent fixtures where table service is provided a minimum of 4 nights per week for a minimum of 6 months per year; generates more than 50 percent of total annual sales revenue from food sales; and is located on a golf course in a municipality, in Bayfield County, having a population of at least 400 but not more than 500. For purposes of this subdivision, "golf course" does not include a miniature golf course. No "Class B" license may be issued under this subdivision after March 1, 2010. If a "Class B" license issued under this subdivision is surrendered to the issuing municipality, not renewed, or revoked, the municipality may not reissue the license.

5. An event venue certified by the division under s. 125.24 (5) (b). Except as provided in this subdivision, a license may not be issued under this subdivision unless the license application is received by the municipality no later than August 1, 2026. Except as provided in this subdivision, if a "Class B" license issued under this subdivision is surrendered to the issuing municipality, not renewed, or revoked, the municipality may not reissue the license. The municipality may reissue the license if the licensee sells or transfers ownership of the licensed premises or a business operated on the licensed premises and the license is surrendered or not renewed in connection with the sale or transfer of the property or business, the licensee continued to operate the licensed premises as a qualifying event venue, as defined in s. 125.24 (5) (a), from the time of license issuance until the time the license is surrendered or not renewed, the license is reissued for the same location, and the applicant for reissuance of the license satisfies the requirements under this chapter to hold the license and certifies to the municipality that the applicant will continue to operate the licensed premises as a qualifying event venue, as defined in s. 125.24 (5) (a).

(w) 1. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the village board of any village in the northern geographical half of Ozaukee County having a population of more than 4,000 may issue, to any applicant designated by the village board, one "Class B" license in addition to the number of licenses determined for the village's quota under pars. (b) to (d). No "Class B" license may be issued under this subdivision after August 1, 2008. If a "Class B" license issued under this subdivision is surrendered to the issuing village, not renewed, or revoked, the village may not reissue the license, but a "Class B" license issued under this subdivision may be transferred in the same manner as other licenses as provided under s. 125.04 (12) (b) 4.

2. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a city that is immediately adjacent to the southern border of the city of Milwaukee and that has an eastern boundary of Lake Michigan may issue 3 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 4th class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 8,000 but not more than 9,000 may issue one "Class B" license in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 3rd class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 15,000 but not more than 16,000 may issue 2 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

5. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the town of Wyoming in Iowa County may issue one "Class B" license in addition to the number of licenses determined for the town's quota under pars. (b) to (d). No "Class B" license may be issued under this subdivision after February 1, 2016. If the "Class B" license issued under this subdivision is surrendered to the issuing town, not renewed, or revoked, the town may not reissue the license.

(x) 1. In this paragraph:

a. "Area base value" means the aggregate assessed value of all taxable property located within the geographic bounds of a capital improvement area on January 1 of the year that is 5 years

prior to the year in which such capital improvement area is enumerated under subd. 2.

b. "Capital improvement area" means a geographic area that is enumerated under subd. 2. as having an improvement increment exceeding $50,000,000 in the year in which the area is enumerated and as being located within a municipality with insufficient reserve "Class B" licenses to issue a "Class B" license for each business or proposed business that would reasonably require one.

c. "Good faith," with respect to an applicant's attempt to purchase a "Class B" licensed business, includes an applicant making an offer to purchase the business for an amount exceeding $25,000 in total value, without additional significant conditions placed on the purchase by either party, after having given notice to all current "Class B" license holders within the municipality where the business is located, by U.S. mail addressed to either the licensee's last-known address or to the licensed premises, of the applicant's interest in purchasing a licensed business, except that an offer in an amount of $25,000 or less may also be considered to be in a good faith for purposes of this subd. 1. c. depending on the fair market value of the business, the availability of other licensed businesses for purchase, and any conditions attached to the sale.

d. "Improvement increment" means the aggregate assessed value of all taxable property in a capital improvement area as of January 1 of any year minus the area base value.

e. "Qualified applicant" means an applicant that complies with all requirements under s. 125.04 (5) and (6) and any applicable ordinance, that certifies by affidavit that the applicant has made a good faith attempt to purchase the business of a person holding a "Class B" license within the municipality and have that license transferred to the applicant under s. 125.04 (12) (b) 4., and for whom the issuing municipality has determined that these requirements have been met.

2. The legislature hereby enumerates, as a capital improvement area, the geographic area composed of all land within the Tax Incremental District Number 3 within the city of Oconomowoc in Waukesha County that lies south of Valley Road and east of STH 67 or that lies south of I 94 and west of STH 67.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), upon application by a qualified applicant, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. shall issue to the qualified applicant one "Class B" license in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d) and in addition to any license under par. (v).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), after a qualified applicant has filed an application under subd. 3. and upon application by an initial qualified applicant under this subdivision, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. shall determine the improvement increment within the capital improvement area for the calendar year in which the application under this subdivision is filed. If the improvement increment is at least $10,000,000 above $50,000,000, the governing body of the municipality shall issue to the initial qualified applicant a "Class B" license. For each $10,000,000 of improvement increment above $50,000,000, the governing body of the municipality is authorized to issue under this subdivision one "Class B" license and, upon each application by a qualified applicant subsequent to that of the initial qualified applicant, the governing body of the municipality shall issue a "Class B" license to the qualified applicant until all licenses authorized under this subdivision have been issued. If the governing body of any municipality receives an application by a qualified applicant in a calendar year subsequent to the calendar year in which it received the application of the initial qualified applicant, the governing body of the municipality shall redetermine the improvement increment for that year for the purpose of determining the number of "Class B" licenses authorized under this subdivision. The "Class B" licenses that a municipality is authorized to issue under this subdivision are in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d), any license under par. (v), and the license under subd. 3.

5. Notwithstanding subds. 3. and 4., not more than 8 "Class B" licenses may be issued under this paragraph for premises within the same capital improvement area.

6. Notwithstanding subd. 7., any "Class B" license issued under this paragraph may be transferred as provided under s. 125.04 (12) (b) 4. Notwithstanding subds. 5. and 7., if a "Class B" license issued under this paragraph is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license to a qualified applicant for a premises located within the same capital improvement area for which the license was originally issued.

7. No "Class B" license may be issued under this paragraph after July 1, 2017.

(5) RETAIL "CLASS B" PERMITS. (a) *Sports clubs.* 1. The division shall issue "Class B" permits to clubs that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs which are operated solely for curling, ski jumping, or yachting. A "Class B" permit may be issued only to a club that holds a valid certificate issued under s. 73.03 (50), that is not open to the general public, and that is located in a municipality that does not issue "Class B" licenses or to a club located in a municipality that issues "Class B" licenses, if the club holds a valid certificate issued under s. 73.03 (50), is not open to the general public, was not issued a license under s. 176.05 (4a), 1979 stats., and does not currently hold a "Class B" license. The permits may be issued by the division without regard to any quota under sub. (4). The holder of a "Class B" permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit.

2. Except as provided in this paragraph, all sections of this chapter applying to retail "Class B" licenses apply to "Class B" permits issued under this paragraph.

3. "Class B" permits may be issued only to a club which has occupied the premises upon which it is located for a period of at least 6 months prior to the date of application.

4. The division may annually issue a "Class B" permit to any club that holds a valid certificate issued under s. 73.03 (50), is organized to engage in sports similar to curling, golf, tennis or yachting and that held a license from July 1, 1950, to June 30, 1951, as long as it is continuously operated under substantially the same circumstances under which it operated during the year beginning July 1, 1950, if the club is located in a municipality that does not issue "Class B" licenses.

(b) *Public facilities and airports.* 1. In this paragraph:

a. "Arena" means a public building with a capacity of 4,000 or more persons used principally for the conduct of sports events.

b. "Coliseum" means a public multipurpose facility designed for activities of the public, which may include but are not limited to sports events, trade shows, conventions, seminars, concerts, banquets and fairs.

c. "Concessionaire" means a person designated by resolution of the governing body of a county or municipality owning an airport or public facility to operate premises in the airport or public facility.

d. "Public facility" means an arena, coliseum, related exposition facilities or center for the performing or visual arts.

e. "Related exposition facility" means buildings constructed on the same grounds as a coliseum and used for the same or ancillary functions.

2. The division shall issue a "Class B" permit to a concessionaire that holds a valid certificate issued under s. 73.03 (50) and that conducts business in an operating airport or public facility, if the county or municipality which owns the airport or public facility has, by resolution of its governing body, annually applied to the division for the permit. The permit authorizes the sale of intoxicating liquor for consumption by the glass and not in the original package or container on the premises.

3. Except as provided in this paragraph, all sections of this chapter relating to "Class B" licenses apply to "Class B" permits issued under this paragraph.

4. The division may not issue a permit under this paragraph to any county or municipality or officer or employee thereof.

(c) *Vessels.* 1. The division may issue a "Class B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.001 (45) and (63) if the vessel either serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of all of the food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of the vessel. The division may issue the permit only if the vessel leaves its place of mooring while the sale of intoxicating liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A permit issued under this subdivision also authorizes the permittee to store intoxicating liquor purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the intoxicating liquor will be stored. The premises shall be open to inspection by the division upon request.

1m. An applicant for a permit under subd. 1. shall provide proof that the vessel is certified by the U.S. coast guard, classed by the American bureau of shipping, or covered by liability insurance.

3. Except as provided in this paragraph, all provisions of this chapter applying to "Class B" licenses apply to "Class B" permits issued under subd. 1.

4. A person holding a permit under subd. 1. shall keep all invoices relating to the purchase of intoxicating liquor for sale on a vessel at the location where the intoxicating liquor is customarily stored.

(d) *Permits for certain tribes.* 1. In this paragraph, "tribe" has the meaning given in s. 125.27 (3) (a).

2. Upon application, the division shall issue a "Class B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. The permit also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the premises where sold, except that wine is not subject to the 4-liter limitation.

3. Except as provided in this paragraph, all sections of this chapter applying to "Class B" licenses apply to "Class B" permits issued under this paragraph.

(e) *Additional sales authority for permittees.* Notwithstanding pars. (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a), (b), (c), or (d), a "Class B" permit issued under this subsection also authorizes the permittee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the "Class B" permit are located in Ozaukee County. Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the "Class B" permit. This paragraph does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply to a permit issued under par. (g).

(f) *Permits for racetrack grounds.* 1. In this paragraph, "racetrack grounds" has the meaning given in s. 125.27 (5) (a).

2. The division may issue "Class B" permits for locations within racetrack grounds to any person that holds a valid certificate issued under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the racetrack grounds or is designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Subject to subd. 4., the permit authorizes the retail sale of intoxicating liquor, by the glass and not in the original package or container, on the premises covered by the permit, for consumption anywhere within the racetrack grounds. If the division issues more than one permit under this paragraph for the same racetrack grounds, no part of the premises covered by a permit under this paragraph may overlap with premises covered by any other permit issued under this paragraph.

3. Subject to ss. 125.07 (3) (a) 17. and 125.68 (4) (c) 4., all provisions of this chapter applying to "Class B" licenses apply to "Class B" permits issued under this paragraph, except as follows:

a. A permit issued under this paragraph does not authorize retail sales of intoxicating liquor for consumption off the racetrack grounds.

b. A permit issued under this paragraph authorizes the retail sale of intoxicating liquor for possession and consumption off the premises where sold if the possession and consumption occurs within the racetrack grounds.

4. A permit issued under this paragraph does not authorize retail sales of intoxicating liquor at any designated camping area on racetrack grounds while the area is in use for camping.

5. The division shall establish a fee for a permit issued under this paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

(g) *Permits for state fair park.* 1. The state fair park board may issue "Class B" permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this paragraph. The state fair park board's notice of meeting under s.

19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

2. A permit issued under this paragraph authorizes the retail sale of intoxicating liquor, by the glass and not in the original package or container, on the premises covered by the permit, for consumption anywhere at the state fair park.

3. A permit issued under this paragraph may describe as premises under the permit multiple locations at the state fair park.

4. A permit issued under this paragraph to a person affiliated with a winery trade association may also authorize the permittee to make retail sales, in original packages or containers, for consumption away from the state fair park, of wine manufactured by members of the winery trade association.

5. A person holding a permit under this paragraph is subject to any requirements or conditions imposed upon the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

6. Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this paragraph.

7. Permits issued under this paragraph are not subject to a quota under sub. (4).

8. A permit issued under this paragraph shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this paragraph in the amount of 50 percent of the annual fee for a permit issued under par. (a). All fees received under this subdivision shall be credited to the appropriation account under s. 20.190 (1) (h).

9. a. The state fair park board shall establish standards, consistent with subd. 1., and procedures for renewal of a permit issued under this paragraph.

b. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a permit issued under this paragraph. A suspension, revocation, or refusal to renew a permit under this paragraph is a contested case under ch. 227.

10. Except as otherwise provided in this paragraph, all sections of this chapter relating to "Class B" licenses apply to "Class B" permits issued under this paragraph.

11. The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this paragraph.

12. A municipality may not issue a "Class B" license for premises within the state fair park. No person may sell intoxicating liquor at retail at the state fair park unless the person holds a permit issued under this paragraph.

(6) FACE-TO-FACE RETAIL SALES. Except as provided in subs. (3) (bm), (bs), and (bx) and (5) (e) and except with respect to caterers, a retail license or permit issued under this section authorizes only face-to-face sales to consumers at the premises described in the retail license or permit.

(7) SALES IN NAME OF LICENSEE OR PERMITTEE. Every holder of a retail license or permit for the sale of intoxicating liquor shall purchase, advertise and sell intoxicating liquor in the holder's name and under the holder's license or permit only, except that holders of retail licenses or permits that are franchisees, as defined in s. 553.03 (5), may advertise, separately or together, in the name of the franchisor, as defined in s. 553.03 (6).

(8) CONNECTING PREMISES. Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

(9) LICENSES FOR LESS THAN ONE YEAR. (a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

(10) TEMPORARY LICENSES. (a) Notwithstanding s. 125.68 (3), temporary "Class B" licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans' organizations authorizing the sale of wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container, or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed $10, except that no fee may be charged to a person who at the same time applies for a temporary Class "B" license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. If a county or district fair leases any stand to a winery holding a permit under s. 125.53, in addition to making retail sales of wine from the leased stand, the winery may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery. If a license is issued under this paragraph to a fair association solely for the purpose of conducting on the licensed premises wine judging or tasting events involving servings of wine no greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed premises. Except as provided in par. (b), not more than 2 licenses may be issued under this paragraph to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society, or veterans post in any 12-month period.

(b) 1. A municipality may issue up to 20 licenses under par. (a) to the same licensee if all of the following apply:

a. Each license is issued for the same date and times and the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times.

b. An admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

c. Within the immediately preceding 12-month period, the municipality has issued licenses under authority of this paragraph for fewer than 2 events.

2. The duration of an event under subd. 1. may not exceed one day.

3. For purposes of the 2-license limit imposed under par. (a), each event for which multiple licenses are issued as provided in subd. 1. shall count as one license toward this 2-license limit.

4. A municipal governing body or an official or body authorized by a municipal governing body to issue temporary "Class B" licenses may, upon issuance of a temporary "Class B"

license as provided in subd. 1., authorize the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

History: 1981 c. 79, 202, 220; 1983 a. 27 ss. 1489c, 2202 (38); 1983 a. 250, 516; 1985 a. 74, 239, 302; 1987 a. 27, 91, 103, 249, 354, 399; 1989 a. 16, 30, 31, 252, 253, 359; 1991 a. 39; 1993 a. 112; 1995 a. 27; 1997 a. 27, 41, 248, 259; 1999 a. 9, 185; 2001 a. 16, 49; 2003 a. 124; 2005 a. 22, 268, 307; 2007 a. 20, 69, 85, 192; 2009 a. 28, 73; 2011 a. 129; 2013 a. 268; 2015 a. 10, 55, 62, 286, 372; 2017 a. 95, 364; 2019 a. 6; 2021 a. 21, 39, 43; 2021 a. 239 ss. 73, 74; 2023 a. 73.

A city ordinance allowing a recipient of a new Class B license who pays the $10,000 fee under sub. (3) (e) 2. to apply for a $10,000 economic development grant from the city was not barred by the statute or constitution. Alexander v. City of Madison, 2001 WI App 208, 247 Wis. 2d 576, 634 N.W.2d 577, 00-2692.

The licensed premises, with respect to a "Class B" intoxicating liquor license under this section, may be co-extensive with the premises where consumption may occur. Thus, the premises to be listed on a "Class B" license are not necessarily confined to the dimensions of a bar room or storage room. Here, the town chose to license the entire eight acres of a resort as the premises for the sale, and also the consumption, of fermented malt beverages and intoxicating liquor. The town made that choice. The license was not void due to an insufficient description of the premises. Wisconsin Dolls, LLC v. Town of Dell Prairie, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

Country clubs opening any part of their facilities to the general public lose their eligibility for "country club" liquor or beer licenses. 69 Atty. Gen. 248.

125.52 Manufacturers' and rectifiers' permits. (1) AUTHORIZED ACTIVITIES. (a) The division shall issue manufacturers' and rectifiers' permits which authorize the manufacture or rectification, respectively, of intoxicating liquor on the premises covered by the permit. A person holding a manufacturer's or rectifier's permit may manufacture and bottle wine, pursuant to the terms of the permit, without procuring a winery permit.

(b) A manufacturer's or rectifier's permit authorizes the permittee to engage in any of the following activities:

1. To sell intoxicating liquor in original unopened packages or containers to wholesalers holding a permit under s. 125.54.

2. To sell or transfer, in bulk or in any state of packaging, intoxicating liquor to wineries holding a permit under s. 125.53 and other manufacturers and rectifiers holding a permit under this section, from the premises described in the permit.

3. To transfer intoxicating liquor to, or receive intoxicating liquor from, another manufacturer or rectifier holding a permit under this section or a winery holding a permit under s. 125.53, in bulk or in any state of packaging, for purposes of further manufacturing, bottling, or storage.

4. To sell, ship, transport, and deliver intoxicating liquor, in bulk or in any state of packaging, that has been manufactured by the manufacturer or rectifier to another manufacture or rectifier holding a permit under this section.

5. To transport intoxicating liquor between the production premises and any depot, warehouse, or full-service retail outlet maintained by the manufacturer or rectifier or other premises for which the manufacturer or rectifier holds a permit under this chapter.

6. To provide taste samples, free of charge, on the manufacturer's or rectifier's premises or at the manufacturer's or rectifier's full-service retail outlet if the taste samples are of alcohol beverages the manufacturer or rectifier is authorized to sell under sub. (4) (c), or as authorized under s. 125.69 (9).

(c) Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wines brought into this state under s. 139.03 (5).

(2) LIMITED MANUFACTURER'S PERMIT. The division shall issue a limited manufacturer's permit which authorizes the use or sale of the intoxicating liquor produced only if it is rendered unfit for use as a beverage and is used or sold for use as fuel. The division shall notify the department of natural resources of the name and address of any person to whom a limited manufacturer's permit is issued.

(3) PERSONS ELIGIBLE. Except as provided under s. 125.69, a manufacturer's or rectifier's permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

(4) RETAIL SALES; FULL-SERVICE RETAIL OUTLETS. (a) 1. Notwithstanding ss. 125.04 (9) and 125.09 (1), a manufacturer or rectifier may make retail sales, on the manufacturing or rectifying premises, of intoxicating liquor that has been manufactured or rectified by the manufacturer or rectifier on the manufacturing or rectifying premises or on other premises of the manufacturer or rectifier, for on-premises or off-premises consumption.

2. Notwithstanding ss. 125.04 (9) and 125.09 (1), if a manufacturer or rectifier produced, on all manufacturing or rectifying premises operated by the manufacturer or rectifier in this state, a cumulative total of at least 1,500 liters of intoxicating liquor in any one of the 3 preceding calendar years, the manufacturer or rectifier may engage in full-service retail sales on the manufacturing or rectifying premises.

(b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and (g), if a manufacturer or rectifier produced, on all manufacturing or rectifying premises operated by the manufacturer or rectifier in this state, a cumulative total of at least 1,500 liters of intoxicating liquor in any one of the 3 preceding calendar years, the manufacturer or rectifier may engage in full-service retail sales at off-site locations identified in the manufacturer's or rectifier's permit. Subject to pars. (f) and (g), the number of retail sales locations a manufacturer or rectifier is allowed in addition to the manufacturing or rectifying premises is determined by the cumulative volume of intoxicating liquor the manufacturer or rectifier produced on all manufacturing or rectifying premises operated by the manufacturer or rectifier in this state in any one of the 3 preceding calendar years, as follows:

1. If the manufacturer's or rectifier's cumulative volume in a year was at least 1,500 liters of intoxicating liquor but less than 5,000 liters of intoxicating liquor, the manufacturer or rectifier may establish one full-service retail outlet.

2. If the manufacturer's or rectifier's cumulative volume in a year was at least 5,000 liters of intoxicating liquor but less than 35,000 liters of intoxicating liquor, the manufacturer or rectifier may establish not more than 2 full-service retail outlets.

3. If the manufacturer's or rectifier's cumulative volume in a year was at least 35,000 liters of intoxicating liquor, the manufacturer or rectifier may establish not more than 3 full-service retail outlets.

(c) 1. Except as provided in subd. 2. and par. (f), a manufacturer or rectifier may make full-service retail sales of alcohol beverages on the manufacturing or rectifying premises and at any of its full-service retail outlets only if the alcohol beverages were purchased by the manufacturer or rectifier from a wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to make sales to retailers under s. 125.29 (3m), from a brewpub authorized to make sales to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30 authorized to make sales to retailers under s. 125.30 (4).

2. A manufacturer or rectifier is not required to purchase from another permittee intoxicating liquor produced by the manufacturer or rectifier that the manufacturer or rectifier sells at retail on the manufacturing or rectifying premises or at a full-service retail outlet of the manufacturer or rectifier.

3. Subject to subd. 2. and par. (f), a manufacturer or rectifier engaged in full-service retail sales on manufacturing or rectifying premises or at a full-service retail outlet of the manufacturer or

rectifier is subject to ss. 125.33 (9) and 125.69 (6) to the same extent as if the manufacturer or rectifier were a retail licensee.

(d) 1. A manufacturer or rectifier may not commence sales of alcohol beverages at a full-service retail outlet unless, prior to commencing such sales, the manufacturer or rectifier receives approval from the municipality in which the full-service retail outlet is located and from the division as provided in par. (g).

2. Subject to par. (f), a municipality may limit the scope of alcohol beverages offered for sale at a full-service retail outlet only with respect to alcohol beverages that are not of the same type as those produced by the person holding the manufacturer's or rectifier's permit. A municipality may not limit the sale, at a full-service retail outlet, of alcohol beverages produced by the person holding the manufacturer's or rectifier's permit. If a municipality limits the scope of alcohol beverages offered for sale, the provision of taste samples is limited to those alcohol beverages authorized to be sold.

3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall be based on the same standards and criteria that the municipality has established by ordinance for the evaluation and approval of retail license applications. A municipality may not impose any requirement or restriction in connection with the approval under subd. 1. that the municipality does not impose on retail licensees.

(e) 1. A manufacturer or rectifier may operate a restaurant at any full-service retail outlet under this subsection and on the manufacturing or rectifying premises.

2. If the manufacturer or rectifier operates a restaurant as provided in subd. 1. and is authorized under this subsection to make retail sales of wine at the restaurant, the manufacturer or rectifier may make retail sales of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both at the restaurant and away from the restaurant if all of the following apply:

a. The purchaser of the wine orders food to be consumed at the restaurant.

b. The manufacturer or rectifier provides a dated receipt that identifies the purchase of the food and the bottle of wine.

c. Prior to the opened, partially consumed bottle of wine being taken away from the restaurant, the manufacturer or rectifier securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted or the cap is reattached at a time other than during the hours in which the manufacturer or rectifier is prohibited under sub. (5) (b) from making retail sales for off-premises consumption.

(f) 1. If a manufacturer or rectifier may establish one or more full-service retail outlets under pars. (b) and (g) and the manufacturer or rectifier also holds a brewer's permit or winery permit or both and, as such, may establish full-service retail outlets under s. 125.29 (7) (b) and (g) or 125.53 (3) (b) and (g), the aggregate number of full-service retail outlets that may be established is the maximum number authorized under par. (b), under s. 125.29 (7) (b), or under s. 125.53 (3) (b), whichever is greatest, but not exceeding 3 full-service retail outlets. Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether the permittee would otherwise be entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.29 (7) (b) or 125.53 (3) (b).

2. If a manufacturer or rectifier may engage in full-service retail sales on the manufacturing or rectifying premises as provided in par. (a) 2. and the manufacturer or rectifier also holds a brewer's permit or winery permit or both, the manufacturer or rectifier may make retail sales on the manufacturing or rectifying premises of fermented malt beverages produced under its brewer's permit or wine produced under its winery permit without first purchasing the fermented malt beverages or wine from a wholesaler holding a permit under s. 125.28 or 125.54 or receiving the fermented malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g), or 125.30 (4).

3. If a person holds more than one manufacturer's permit or rectifier's permit under this section, or more than one combination permit authorized under s. 125.55 (1), the retail sales authority under this subsection for manufacturing or rectifying premises applies with respect to each permit, but the limit on full-service retail outlets is an aggregate maximum, regardless of the number of permits held.

(g) 1. An application for a manufacturer's or rectifier's permit, including an application for an amendment to the manufacturer's or rectifier's permit, shall specify each full-service retail outlet of the manufacturer or rectifier and particularly describe the premises of the full-service retail outlet.

2. The division shall establish a process for approval of a manufacturer's or rectifier's full-service retail outlet and for revocation of this approval. The division shall approve a manufacturer's or rectifier's full-service retail outlet, and may not revoke this approval, unless the manufacturer or rectifier has violated a provision of this chapter related to full-service retail outlets. The division's failure to approve, or revocation of approval of, a full-service retail outlet described in a manufacturer's or rectifier's application or permit does not affect any other full-service retail outlet or the manufacturing or rectifying premises as described in the application or permit.

3. If the division approves a full-service retail outlet, the manufacturer's or rectifier's permit, as initially issued or as amended, shall particularly describe the premises constituting the full-service retail outlet, which shall be considered part of the premises under the manufacturer's or rectifier's permit.

4. If the division approves a full-service retail outlet, the agent appointed under s. 125.04 (6) for the manufacturer's or rectifier's permit shall also serve as the agent for the full-service retail outlet.

5. Section 125.04 (12) (a) does not apply to a manufacturer's or rectifier's full-service retail outlet. Upon notice to the division, a manufacturer or rectifier may relocate any full-service retail outlet to a new location within this state once per calendar year, except that one full-service retail outlet of a manufacturer or rectifier may be relocated without limitation on frequency in each calendar year.

(5) CLOSING HOURS. (a) On a manufacturer's or rectifier's premises, no person may sell alcohol beverages at retail for on-premises consumption, provide taste samples of alcohol beverages, or consume alcohol beverages during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet under sub. (4) shall be subject to the same closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(b) On a manufacturer's or rectifier's premises and at a full-service retail outlet, no person may sell alcohol beverages at retail for off-premises consumption during the hours in which a Class "B" licensee in the municipality where the manufacturing or rectifying premises or retail outlet is located may not make retail sales under s. 125.32 (3) (am) and (d).

(c) No member of the public or invited guests may be present on a manufacturer's or rectifier's premises during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(d) Activities authorized under a manufacturer's or rectifier's

permit related to the production, shipment, transportation, or delivery of alcohol beverages may occur at any time.

History: 1981 c. 79; 1985 a. 302; 1989 a. 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 27; 2001 a. 16; 2007 a. 85; 2009 a. 28; 2023 a. 73.

125.53 Winery permit. (1) (a) The division shall issue only to a manufacturing winery in this state that holds a valid certificate issued under s. 73.03 (50) a winery permit authorizing the permittee to engage in the following activities:

1. The manufacture and bottling of wine on the premises covered by the permit for sale, in original unopened packages or containers, to wholesalers holding a permit under s. 125.54.

2. On the winery premises and without obtaining a rectifier's permit, possessing intoxicating liquor and mixing or blending intoxicating liquor to produce wine sold to wholesalers holding a permit under s. 125.54, manufacturers or rectifiers holding a permit under s. 125.52, and wineries holding a permit under this section.

3. The sale or transfer, in bulk or in any state of packaging, of wine to wineries holding a permit under this section and to manufacturers and rectifiers holding a permit under s. 125.52, from the winery premises.

4. The sale, shipment, transportation, and delivery of wine, in bulk or in any state of packaging, that has been manufactured by the winery to another winery holding a permit under this section or a manufacturer or rectifier holding a permit under s. 125.52.

5. The receipt of intoxicating liquor from another winery holding a permit under this section or a manufacturer or rectifier holding a permit under s. 125.52, in bulk or in any state of packaging, for purposes of further manufacturing, bottling, or storage.

6. The transportation of wine between the winery premises and any depot, warehouse, or full-service retail outlet maintained by the winery or other premises for which the winery holds a permit under this chapter.

7. The provision of free taste samples on the winery premises or at the winery's full-service retail outlet if the taste samples are of alcohol beverages the winery is authorized to sell under sub. (3) (c), or as authorized under s. 125.69 (9).

(b) A winery holding a permit under this section may make retail sales of wine, and provide taste samples of wine, on county or district fair fairgrounds as provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples shall be purchased from a wholesaler holding a permit under s. 125.54.

(2) Winery permits may be issued to any person except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

(3) (a) 1. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to subd. 3., a winery may make retail sales, on the winery premises, of wine that has been manufactured or bottled by the winery on the winery premises or on other premises of the winery, for on-premises or off-premises consumption.

2. Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to subd. 3., if a winery manufactured or bottled, on all winery premises operated by the winery in this state, a cumulative total of at least 1,000 gallons of wine in any one of the 3 preceding calendar years, the winery may engage in full-service retail sales on the winery premises.

3. If a winery held a "Class B" license immediately preceding May 1, 2024, for a location other than the winery premises, that location shall be considered the winery premises for purposes of the retail sales authorization under subds. 1. and 2. and that location shall be in addition to any retail sales locations authorized under par. (b).

(b) Notwithstanding ss. 125.04 (9) and 125.09 (1), and subject to pars. (d) and (g), if a winery manufactured or bottled, on all winery premises operated by the winery in this state, a cumulative total of at least 1,000 gallons of wine in any one of the 3 preceding calendar years, the winery may engage in full-service retail sales at off-site locations identified in the winery permit. Subject to pars. (f) and (g), the number of retail sales locations a winery is allowed in addition to the winery premises is determined by the cumulative volume of wine the winery manufactured or bottled on all winery premises operated by the winery in this state in any one of the 3 preceding calendar years, as follows:

1. If the winery's cumulative volume in a year was at least 1,000 gallons of wine but less than 5,000 gallons of wine, the winery may establish one full-service retail outlet.

2. If the winery's cumulative volume in a year was at least 5,000 gallons of wine but less than 25,000 gallons of wine, the winery may establish not more than 2 full-service retail outlets.

3. If the winery's cumulative volume in a year was at least 25,000 gallons of wine, the winery may establish not more than 3 full-service retail outlets.

(c) 1. Except as provided in subd. 2. and par. (f), a winery may make full-service retail sales of alcohol beverages on the winery premises and at any of its full-service retail outlets only if the alcohol beverages were purchased by the winery from a wholesaler holding a permit under s. 125.28 or 125.54, from a brewer authorized to make sales to retailers under s. 125.29 (3m), from a brewpub authorized to make sales to retailers under s. 125.295 (1) (g), or from a permittee under s. 125.30 authorized to make sales to retailers under s. 125.30 (4).

2. A winery is not required to purchase from another permittee wine manufactured or bottled by the winery that the winery sells at retail on the winery premises or at a full-service retail outlet of the winery.

3. Subject to subd. 2. and par. (f), a winery engaged in full-service retail sales on winery premises or at a full-service retail outlet of the winery is subject to ss. 125.33 (9) and 125.69 (6) to the same extent as if the winery were a retail licensee.

(d) 1. A winery may not commence sales of alcohol beverages at a full-service retail outlet unless, prior to commencing such sales, the winery receives approval from the municipality in which the full-service retail outlet is located and from the division as provided in par. (g).

2. Subject to par. (f), a municipality may limit the scope of alcohol beverages offered for sale at a full-service retail outlet only with respect to alcohol beverages that are not of the same type as those produced by the person holding the winery permit. A municipality may not limit the sale, at a full-service retail outlet, of alcohol beverages produced by the person holding the winery permit. If a municipality limits the scope of alcohol beverages offered for sale, the provision of taste samples is limited to those alcohol beverages authorized to be sold.

3. Except as provided in subd. 2., a municipality's approval under subd. 1. shall be based on the same standards and criteria that the municipality has established by ordinance for the evaluation and approval of retail license applications. A municipality may not impose any requirement or restriction in connection with the approval under subd. 1. that the municipality does not impose on retail licensees.

(e) 1. A winery may operate a restaurant at any full-service retail outlet under this subsection and on the winery premises.

2. If the winery operates a restaurant as provided in subd. 1., the winery may make retail sales of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both at the restaurant and away from the restaurant if all of the following apply:

a. The purchaser of the wine orders food to be consumed at the restaurant.

b. The winery provides a dated receipt that identifies the purchase of the food and the bottle of wine.

c. Prior to the opened, partially consumed bottle of wine being taken away from the restaurant, the winery securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle, or securely reattaches the original cap to the bottle, and the cork is reinserted or the cap is reattached at a time other than during the hours in which the winery is prohibited under sub. (4) (b) from making retail sales for off-premises consumption.

(f) 1. If a winery may establish one or more full-service retail outlets under pars. (b) and (g) and the winery also holds a manufacturer's or rectifier's permit or brewer's permit or both and, as such, may establish full-service retail outlets under s. 125.29 (7) (b) and (g) or 125.52 (4) (b) and (g), the aggregate number of full-service retail outlets that may be established is the maximum number authorized under par. (b), under s. 125.29 (7) (b), or under s. 125.52 (4) (b), whichever is greatest, but not exceeding 3 full-service retail outlets. Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether the permittee would otherwise be entitled to fewer full-service retail outlets when calculated under par. (b) or s. 125.29 (7) (b) or 125.52 (4) (b).

2. If a winery may engage in full-service retail sales on the winery premises as provided in par. (a) 2. and the winery also holds a brewer's permit or manufacturer's or rectifier's permit or both, the winery may make retail sales on the winery premises of fermented malt beverages produced under its brewer's permit or intoxicating liquor produced under its manufacturer's or rectifier's permit without first purchasing the fermented malt beverages or intoxicating liquor from a wholesaler holding a permit under s. 125.28 or 125.54 or receiving the fermented malt beverages under authorization of s. 125.29 (3m) (b), 125.295 (1) (g), or 125.30 (4).

3. If a person holds more than one winery permit under this section, the retail sales authority under this subsection for winery premises applies with respect to each winery permit, but the limit on full-service retail outlets is an aggregate maximum, regardless of the number of winery permits held.

(g) 1. An application for a winery permit, including an application for an amendment to the winery permit, shall specify each full-service retail outlet of the winery and particularly describe the premises of the full-service retail outlet.

2. The division shall establish a process for approval of a winery's full-service retail outlet and for revocation of this approval. The division shall approve a winery's full-service retail outlet, and may not revoke this approval, unless the winery has violated a provision of this chapter related to full-service retail outlets. The division's failure to approve, or revocation of approval of, a full-service retail outlet described in a winery's application or permit does not affect any other full-service retail outlet or the winery premises as described in the application or permit.

3. If the division approves a full-service retail outlet, the winery permit, as initially issued or as amended, shall particularly describe the premises constituting the full-service retail outlet, which shall be considered part of the premises under the winery permit.

4. If the division approves a full-service retail outlet, the agent appointed under s. 125.04 (6) for the winery permit shall also serve as the agent for the full-service retail outlet.

5. Section 125.04 (12) (a) does not apply to a winery's full-service retail outlet. Upon notice to the division, a winery may relocate any full-service retail outlet to a new location within this state once per calendar year, except that one full-service retail outlet of a winery may be relocated without limitation on frequency in each calendar year.

(4) (a) On winery premises, no person may sell alcohol beverages at retail for on-premises consumption, provide taste samples of alcohol beverages, or consume alcohol beverages during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a). A full-service retail outlet under sub. (3) shall be subject to the same closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(b) On winery premises and at a full-service retail outlet, no person may sell alcohol beverages at retail for off-premises consumption during the hours in which a Class "B" licensee in the municipality where the winery or retail outlet is located may not make retail sales under s. 125.32 (3) (am) and (d).

(c) No member of the public or invited guests may be present on winery premises during the closing hours applicable to a Class "B" licensee under s. 125.32 (3) (a).

(d) Activities authorized under a winery permit related to the production, shipment, transportation, or delivery of alcohol beverages may occur at any time.

History: 1981 c. 79; 1983 a. 74; 1989 a. 30; 1993 a. 112; 1995 a. 27; 2001 a. 16; 2007 a. 85; 2011 a. 129; 2023 a. 73.

125.535 Direct wine shippers' permits. (1) AUTHORIZED ACTIVITIES. The division shall issue direct wine shippers' permits authorizing the permittee to ship wine manufactured or bottled by the permittee directly to an individual in this state who is of the legal drinking age, who acknowledges receipt of the wine shipped, and who is not intoxicated at the time of delivery.

(2) ANNUAL PERMIT FEE. The division may, by rule, establish an annual fee, not to exceed $100, for each permit issued under this section. All permit fees collected under this subsection shall be credited to the appropriation account under s. 20.566 (9) (ha).

(3) PERSONS ELIGIBLE. (a) A direct wine shipper's permit may be issued under this section to any person that manufactures and bottles wine on premises covered by any of the following:

1. A manufacturer's or rectifier's permit under s. 125.52.

2. A winery permit under s. 125.53.

3. A winery license, permit, or other authorization issued to the winery by any state from which the winery will ship wine into this state.

4. A federal basic permit for a winery under 27 USC 203 and 204.

(b) A winery located outside of this state is eligible for a direct wine shipper's permit under par. (a) 3. or 4. if all of the following apply:

1. The winery holds a valid business tax registration certificate issued under s. 73.03 (50).

2. The winery submits to the division, with any initial application or renewal for a certificate under s. 73.03 (50) or a permit under par. (a) 3. or 4., a copy of any current license, permit, or authorization issued to the winery by the state from which the winery will ship wine into this state or the winery's federal basic permit.

3. The winery satisfies all requirements under par. (d).

(c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining direct wine shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Notwithstanding s. 125.04 (5) (a) 2. and (c), an agent appointed under s. 125.04 (6) by a corporation or limited liability company obtain-

ing a direct wine shipper's permit is not required to be a resident of this state.

(d) 1. Unless the permittee or agent of the permittee appointed under s. 125.04 (6) is a resident of this state, or unless the permittee maintains a registered agent in this state under s. 180.0501, 180.1507, 183.0115, or 183.0903, a permittee under this section shall appoint and continually engage the services of an agent in this state to act as agent for the service of process on whom all processes, and any action or proceeding against the permittee concerning or arising out of the enforcement of any provision of this chapter or ch. 139, may be served in any manner authorized by law. That service shall constitute legal and valid service of process on the permittee. The permittee shall provide to the division, in the form and manner prescribed by the division, the name, address, phone number, and proof of the appointment and availability of the agent.

2. The permittee shall provide notice to the division 30 calendar days before termination of the authority of an agent under subd. 1. and shall provide proof to the satisfaction of the division of the appointment of a new agent no less than 5 calendar days before the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the permittee shall notify the division of that termination within 5 calendar days and shall include proof to the satisfaction of the division of the appointment of a new agent.

3. If a permittee fails to maintain an agent in this state after a permit is issued under this section, the permittee is considered to have appointed the department of financial institutions as the permittee's agent, and the permittee may be proceeded against in courts of this state by service of process upon the department of financial institutions.

(e) The application for a permit under this section shall include a provision that the permittee agrees to do all of the following:

1. File reports, provide records, and allow inspections and examinations to the extent provided in s. 125.025 and ch. 139.

2. Pay the expenses reasonably attributable to inspections and examinations made by the division at any premises of the permittee located outside this state.

3. Accept service of process and consent to jurisdiction in any proceeding in this state to enforce the provisions of this chapter or ch. 139.

(4) LABELS. Containers of wine shipped to an individual in this state under this section shall be clearly labeled to indicate that the package may not be delivered to an underage person or to an intoxicated person.

(5) RESTRICTIONS. No individual may resell, or use for a commercial purpose, wine received by the individual that is shipped under authority of this section.

(6) ANNUAL LIMIT. No individual in this state may receive more than 108 liters of wine annually shipped under authority of this section. Each individual shall be responsible for compliance with this annual limit. An individual who violates this annual limit is subject to s. 125.11 (1). This subsection does not apply to purchases made under a permit issued under s. 125.61.

(7) SHIPMENTS THROUGH FULFILLMENT HOUSE; COMMON CARRIERS. (a) A permittee under this section may arrange with a fulfillment house to ship wine on the permittee's behalf only if the fulfillment house holds a permit under s. 125.23.

(b) All containers of wine shipped directly to an individual in this state shall be shipped using a common carrier holding a permit issued under s. 125.22.

History: 2007 a. 85; 2023 a. 73; 2025 a. 15, 127.

125.54 Wholesalers' permits. (1) AUTHORIZED ACTIVITIES. The division shall issue wholesalers' permits authorizing the permittee to sell, from the premises described in the permit, intoxicating liquor at wholesale to retailers and wholesalers, as well as to manufacturers, rectifiers, and wineries for production purposes. The permittee may not sell intoxicating liquor for consumption on the premises. Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wine brought into this state under s. 139.03 (5).

(2) PERSONS ELIGIBLE. Except as provided under s. 125.69, a wholesaler's permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

(3) TASTE SAMPLES ON RETAIL PREMISES. Wholesalers holding a permit issued under this section, employees of such wholesalers, and individuals representing such wholesalers may not assist or participate in providing taste samples under s. 125.51 (2) (am) or 125.69 (9).

(5) SALES AREA. No wholesaler may sell any intoxicating liquor before filing with the division a written statement that the permittee is a distributor of a particular brand in this state, or an area of this state, and that the sales of that brand by the permittee and anyone purchasing from the permittee will be limited to the area specified. The permittee shall notify the division of any change in the area within 7 days of the effective date of the change.

(6) MULTIPLE PERMITS. Multiple wholesalers' permits may be issued to any one person. In each application for a wholesaler's permit, the applicant shall state whether application has been made for any other wholesaler's permit and shall identify any other wholesaler's permit held by the applicant.

(7) BONA FIDE WHOLESALERS. (a) 1. The premises described in a permit issued under this section shall be capable of warehousing intoxicating liquor. Any intoxicating liquor sold by the permittee shall be physically unloaded at the premises described in the permit, or at any warehouse premises for which the permittee under this section also holds a permit issued under s. 125.19, prior to being delivered to a retail licensee or permittee or to another wholesaler.

2. A permittee under this section shall annually sell and deliver intoxicating liquor to at least 10 retail licensees or permittees that do not have an interest in each other or in the permittee under this section. The division shall not issue a permit under this section unless the applicant represents to the division an intention to satisfy this requirement, and shall not renew a permit issued under this section unless the permittee demonstrates that this requirement has been satisfied.

(b) No intoxicating liquor retail licensee or permittee may receive a benefit from a violation under par. (a) with knowledge of the circumstances giving rise to the violation.

(c) 1. A wholesaler who violates this subsection shall be fined not more than $10,000. In addition, a court shall order the wholesaler to forfeit an amount equal to any profit gained by the wholesaler or by a retail licensee or permittee that violates par. (b), or by both, resulting from the violation, and the court shall further order that the wholesaler's permit be revoked.

2. A court shall order a retail licensee or permittee who violates this subsection to forfeit an amount equal to any profit gained by the retail licensee or permittee resulting from the violation, and the court shall further order that the retail license or permit be revoked.

3. This paragraph shall not affect the authority of any munic-

ipality or the division to revoke, suspend, or refuse to renew or issue a license or permit under s. 125.12.

(d) The division shall promulgate rules to administer and enforce the requirements under this subsection. The rules shall ensure coordination between the division's issuance and renewal of permits under this section and its enforcement of the requirements of this subsection, and shall require that all applications for issuance or renewal of permits under this section be processed by division personnel generally familiar with activities of intoxicating liquor wholesalers. The division shall establish by rule minimum requirements for warehouse facilities on premises described in permits issued under this section and for periodic site inspections by the division of such warehouse facilities.

(e) This subsection does not apply to a cooperative wholesaler under s. 125.545.

(8) DUTY TO WORK IN GOOD FAITH. Each wholesaler has an obligation to negotiate in good faith with any manufacturer, rectifier, or winery that seeks to sell its products in this state through the wholesaler. To this end, all wholesalers shall work diligently to ensure that distribution channels are available for the sale of intoxicating liquor products through wholesalers to retailers in this state.

History: 1981 c. 79; 1985 a. 5; 1989 a. 253; 1993 a. 112, 259, 491; 1995 a. 27; 2005 a. 25; 2007 a. 85; 2015 a. 10; 2023 a. 73.

Section 176.05 (1a) (b) [now sub. (5)] does not prohibit a wholesaler from selling to a retailer located outside an area described in an area statement provided that the sale takes place within that area. 70 Atty. Gen. 258.

125.545 Small cooperative wholesalers. (1) DEFINITIONS. In this section:

(a) "Member" means a small winery or small manufacturer that meets the requirements established under this section for membership in a cooperative wholesaler and that has been qualified and accepted for membership in a cooperative wholesaler.

(ar) "Out-of-state manufacturer" means a manufacturer or rectifier of intoxicating liquor that is located in a state other than this state.

(b) "Out-of-state winery" means a winery that is located in a state other than this state and that holds a valid direct shipper's permit issued under s. 125.535.

(c) "Retailer" means any person holding a "Class A", "Class B", or "Class C" license or "Class B" permit issued under s. 125.51.

(cm) "Small manufacturer" means any manufacturer or rectifier that produces and bottles less than 50,000 gallons of intoxicating liquor other than wine in a calendar year.

(d) "Small winery" means any winery that produces and bottles less than 50,000 gallons of wine in a calendar year.

(e) "Small cooperative wholesaler" or "cooperative wholesaler" means an entity established under this section.

(em) "Wisconsin manufacturer" means a manufacturer or rectifier operating under a permit issued under s. 125.52.

(f) "Wisconsin winery" means a winery operating under a permit issued under s. 125.53.

(2) CREATION AND ORGANIZATION. (a) 1. A cooperative wholesaler may only be created as provided under s. 185.043 (2) and this section. Each cooperative wholesaler operating under authority of this section shall be organized under ch. 185 but shall be subject to the limitations on such cooperatives imposed by this section. Subject to subds. 3. and 4., only small wineries and small manufacturers may be members of a cooperative wholesaler. The principal purpose of a cooperative wholesaler shall be to sell and distribute intoxicating liquor manufactured, blended, or mixed, and also bottled, by its members.

2. Notwithstanding s. 185.08 (1), a cooperative wholesaler shall include in its articles of incorporation under ch. 185 a single location for its agent and principal office, which location shall be in this state.

3. A small winery may become a member of a cooperative wholesaler only if all of the following apply:

a. The small winery holds a direct shipper's permit under s. 125.535.

b. The small winery is certified by the division under sub. (6) (a) as a small winery.

4. A small manufacturer may become a member of a cooperative wholesaler only if the small manufacturer is certified by the division under sub. (6) (a) as a small manufacturer.

(b) In addition to the requirements specified in s. 185.31 for the board of directors of a cooperative wholesaler, a director representing a member that is a Wisconsin winery or Wisconsin manufacturer shall be either an owner or an employee of that Wisconsin winery or Wisconsin manufacturer. If any out-of-state winery or out-of-state manufacturer is a member of the cooperative wholesaler, at least one director shall be either an owner or an employee of an out-of-state winery or out-of-state manufacturer that is a member of the cooperative wholesaler.

(c) Notwithstanding any provision of ch. 185, a cooperative wholesaler may not employ any owner or employee of a member. However, an individual that is an owner or an employee of a member may act as a volunteer to assist that cooperative wholesaler in the sale and distribution of intoxicating liquor to retailers and other wholesalers in the manner authorized under this section.

(3) AUTHORIZATION AND ACTIVITIES. (a) 1. Within 7 days after filing its articles of incorporation under ch. 185, a cooperative wholesaler shall apply to the division for a wholesaler's permit under s. 125.54. The provisions of s. 125.04 (5) (c) and (6) shall apply to a cooperative wholesaler as if the cooperative wholesaler were a corporation or a limited liability company and, for each of these provisions, the division shall determine whether the cooperative wholesaler is most similar to a corporation or a limited liability company in the context of that provision and apply that provision to the cooperative wholesaler accordingly.

2. Notwithstanding s. 125.54 (6), the division may issue not more than one wholesaler's permit to any cooperative wholesaler. The division may not issue more than a total of 6 wholesalers' permits to cooperative wholesalers in this state. Except as provided in subd. 2m., the division may not issue any new wholesaler's permit to a cooperative wholesaler after December 31, 2008, but may renew wholesalers' permits that were initially issued to cooperative wholesalers prior to that date.

2m. The division may issue new wholesalers' permits to cooperative wholesalers after January 1, 2025, but not later than August 1, 2025, and may renew wholesalers' permits that were initially issued to cooperative wholesalers during this period. The division may not issue new wholesalers' permits under this subdivision that cause the total number of wholesalers' permits issued to cooperative wholesalers in this state to exceed 6.

3. No cooperative wholesaler may operate in this state without a wholesaler's permit.

(b) 1. Notwithstanding s. 125.54 (1), and except as provided in subd. 3., a cooperative wholesaler issued a wholesaler's permit under par. (a) is authorized to sell and distribute only intoxicating liquor. Except as provided in subd. 3., a cooperative wholesaler may not sell or distribute any alcohol beverages, or any other product, except intoxicating liquor.

2. A cooperative wholesaler shall purchase intoxicating liquor from its members to be resold to retailers and other wholesalers. Notwithstanding s. 125.69 (5), a cooperative wholesaler may not purchase intoxicating liquor from any person other than a member. A cooperative wholesaler may not resell or distribute

intoxicating liquor unless it has been purchased from a member. Notwithstanding s. 125.54 (1), a cooperative wholesaler may not sell or distribute intoxicating liquor except to a retailer or to a wholesaler holding a permit under s. 125.54.

3. A cooperative wholesaler may purchase ancillary industry trade goods such as bottles, corks, and other supplies used by wineries or manufacturers in the bottling and sale of intoxicating liquor if such trade goods do not include any alcohol beverages. Any industry trade goods purchased by a cooperative wholesaler under this subdivision may be offered for resale to the cooperative wholesaler's members or to any winery or manufacturer that was formerly a member of the cooperative wholesaler.

4. A cooperative wholesaler shall work with all of its members on evenhanded terms. Any preferential treatment by a cooperative wholesaler for the benefit of a member that is a Wisconsin winery or Wisconsin manufacturer, and any discrimination against a member that is an out-of-state winery or out-of-state manufacturer, is prohibited.

(c) Neither a cooperative wholesaler nor its members are subject to any restriction on dealings under s. 125.69 (1) between wholesalers and wineries or manufacturers. Except as provided in s. 125.54 (7) (e) and as otherwise provided in this section, all provisions of this chapter and ch. 139 that apply to a wholesaler issued a permit under s. 125.54 also apply to a cooperative wholesaler issued a permit under s. 125.54.

(4) EXCLUSIVE DISTRIBUTION. A member of a cooperative wholesaler may make its intoxicating liquor available for purchase by a retailer or another wholesaler only through the cooperative wholesaler of which it is a member. A member of a cooperative wholesaler may not sell its intoxicating liquor directly to any other wholesaler or directly to a retailer.

(5) BIENNIAL REPORTS. With each application for renewal of a wholesaler's permit issued to a cooperative wholesaler, each cooperative wholesaler shall file with the division, in the form and manner prescribed by the division by rule, a biennial report that includes detailed information on its members, board of directors, and sale and distribution activities.

(6) DIVISION CERTIFICATION AND RULE MAKING. (a) 1. The division shall, upon application, certify eligible applicants as small wineries or small manufacturers and renew prior certifications of eligible applicants as small wineries or small manufacturers.

2. Any winery seeking to become a member of, or to maintain its membership in, a cooperative wholesaler may apply to the division for certification as a small winery. If the winery meets the definition of a small winery under this section, satisfies the requirement under sub. (2) (a) 3. a., and submits any other information that the division determines is necessary to certify that the winery is operating as a small winery and is eligible for membership in a cooperative wholesaler, the division shall certify the winery as a small winery. This certification shall remain valid for one year.

2m. Any manufacturer seeking to become a member of, or to maintain its membership in, a cooperative wholesaler may apply to the division for certification as a small manufacturer. If the manufacturer meets the definition of a small manufacturer under this section and submits any other information that the division determines is necessary to certify that the manufacturer is operating as a small manufacturer and is eligible for membership in a cooperative wholesaler, the division shall certify the manufacturer as a small manufacturer. This certification shall remain valid for one year.

3. In certifying any winery under subd. 2., the division shall classify the winery as either a Wisconsin winery or an out-of-state winery.

3m. In certifying any manufacturer under subd. 2m., the division shall classify the manufacturer as either a Wisconsin manufacturer or an out-of-state manufacturer.

4. The division shall refuse to certify under this paragraph any winery or manufacturer that cannot demonstrate it holds all necessary permits for its operations or that the division finds is otherwise not in full compliance with the laws of this state.

(b) The division shall promulgate rules to administer and enforce the requirements under this section.

(7) PENALTIES. (a) Any winery or manufacturer that sells or distributes its intoxicating liquor directly to a retailer, rather than through a wholesaler or cooperative wholesaler, is subject to a fine of not more than $10,000 and revocation of all of its permits by the division under s. 125.12 (5).

(b) Any cooperative wholesaler that provides preferential treatment to a Wisconsin winery or Wisconsin manufacturer or discriminates against an out-of-state winery or out-of-state manufacturer is subject to a fine of not more than $10,000 and revocation of its wholesaler's permit by the division under s. 125.12 (5).

History: 2007 a. 85; 2011 a. 175; 2023 a. 73.

Cross-reference: See also s. Tax 8.05, Wis. adm. code.

125.55 Combination permits. (1) The division may issue a combination manufacturer's and rectifier's permit.

(2) A combination manufacturer's and wholesaler's permit may not be issued. A combination rectifier's and wholesaler's permit may not be issued.

History: 1981 c. 79; 1995 a. 27; 2007 a. 85; 2023 a. 73.

125.56 Sacramental wine. (1) AUTHORIZATION TO SELL. Any person holding a permit under s. 125.52 (1), 125.53 or 125.54 may sell sacramental wine directly to persons holding permits under sub. (2).

(2) SACRAMENTAL WINE PERMIT. (a) The division shall issue sacramental wine permits to organized religious bodies authorizing them to purchase for their own use sacramental wine from any permittee under s. 125.52 (1), 125.53 or 125.54. A permit under this subsection does not authorize the resale of sacramental wine by the permittee.

(b) No sacramental wine permit may be issued to a person acting as an agent for or in the employ of another.

(c) Shipments of sacramental wine shall be conspicuously labeled "for sacramental purposes" and shall meet any other requirements the division prescribes by rule.

(d) A sacramental wine permit shall be issued free of charge by the division and is not subject to s. 125.04 (11) (a).

History: 1981 c. 79; 1983 a. 516 s. 8; 2023 a. 73.

125.58 Out-of-state shippers' permit; exception to requirement. (1) The division shall issue out-of-state shippers' permits which authorize persons located outside this state to sell or ship intoxicating liquor into this state. Except as provided under subs. (4) and (5), intoxicating liquor may be shipped into this state only to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under this section, to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53. Except as provided under subs. (4) and (5), a separate out-of-state shipper's permit is required for each location from which any intoxicating liquor is sold or shipped into this state, including the location from which the invoices are issued for the sales or shipments. Any person holding an out-of-state shipper's permit issued under this section may solicit orders for sales or shipments by the permittee without obtaining the sales solicitation permit required by s. 125.65, but every agent, salesperson or other representative who solicits orders for sales or

shipments by an out-of-state shipper shall first obtain a permit for soliciting orders under s. 125.65. No holder of an out-of-state shipper's permit issued under this section may sell intoxicating liquor in this state or ship intoxicating liquor into this state unless the out-of-state shipper is the primary source of supply for that intoxicating liquor.

(2) (a) Out-of-state shippers' permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50), but may not be issued to a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out-of-state shippers' permits are not required to appoint agents.

(b) 1. Unless the permittee or agent of the permittee appointed under s. 125.04 (6) is a resident of this state, or unless the permittee maintains a registered agent in this state under s. 180.0501, 180.1507, 183.0115, or 183.0903, a permittee under this section shall appoint and continually engage the services of an agent in this state to act as agent for the service of process on whom all processes, and any action or proceeding against the permittee concerning or arising out of the enforcement of any provision of this chapter or ch. 139, may be served in any manner authorized by law. That service shall constitute legal and valid service of process on the permittee. The permittee shall provide to the division, in the form and manner prescribed by the division, the name, address, phone number, and proof of the appointment and availability of the agent.

2. The permittee shall provide notice to the division 30 calendar days before termination of the authority of an agent under subd. 1. and shall provide proof to the satisfaction of the division of the appointment of a new agent no less than 5 calendar days before the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the permittee shall notify the division of that termination within 5 calendar days and shall include proof to the satisfaction of the division of the appointment of a new agent.

3. If a permittee fails to maintain an agent in this state after a permit is issued under this section, the permittee is considered to have appointed the department of financial institutions as the permittee's agent, and the permittee may be proceeded against in courts of this state by service of process upon the department of financial institutions.

(c) The application for a permit under this section shall include a provision that the permittee agrees to do all of the following:

1. File reports, provide records, and allow inspections and examinations to the extent provided in s. 125.025 and ch. 139.

2. Pay the expenses reasonably attributable to inspections and examinations made by the division at the premises of the permittee located outside this state.

3. Accept service of process and consent to jurisdiction in any proceeding in this state to enforce the provisions of this chapter or ch. 139.

(4) A winery located outside of this state may ship wine into this state as provided under s. 125.535 and is not required to hold an out-of-state shipper's permit under this section.

(5) A fulfillment house located outside this state that holds a permit under s. 125.23 may ship wine into this state as provided in s. 125.23 and is not required to hold an out-of-state shipper's permit under this section.

History: 1981 c. 79; 1983 a. 27; 1987 a. 399; 1989 a. 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 27; 2001 a. 16; 2001 a. 104 s. 136; 2007 a. 85; 2023 a. 73; 2025 a. 127.

Treating All Grapes Equally: Interstate Alcohol Shipping After *Granholm.* Gary. Wis. Law. Mar. 2010.

125.60 Wholesale alcohol permit. (1) The division may issue a wholesale alcohol permit which authorizes the permittee to sell ethyl alcohol of 190 proof or more to persons holding permits or licenses issued under s. 125.61 or 125.62. Nothing in this section requires manufacturers, rectifiers and wholesalers holding permits issued under s. 125.52 (1) or 125.54 to obtain a wholesale alcohol permit.

(2) Wholesale alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Holders of wholesale alcohol permits who do not hold permits issued under s. 125.52 (1) or 125.54 are exempt from s. 125.65 as it relates to special permits for agents or representatives of wholesale alcohol permit holders.

(4) Holders of wholesale alcohol permits under this section who do not hold permits issued under s. 125.52 (1) or 125.54 may sell or deal in ethyl alcohol, except that no alcohol may be sold for consumption on the premises of the permittee.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27; 2023 a. 73.

125.61 Medicinal alcohol permit. (1) The division may issue a medicinal alcohol permit which authorizes the permittee to purchase and use alcohol for medicinal purposes only. The permit may be issued only to persons who prove to the division that they use alcohol for medicinal purposes.

(2) Medicinal alcohol permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of medicinal alcohol shall be conspicuously labeled "for medicinal purposes" and shall meet other requirements which the division prescribes by rule.

(4) A medicinal permit shall be issued free of charge by the division and is not subject to s. 125.04 (11) (a).

History: 1981 c. 79; 1983 a. 516 s. 8; 1993 a. 259; 2023 a. 73.

125.62 Industrial alcohol permit. (1) The division may issue an industrial alcohol permit which authorizes the permittee to purchase and use alcohol for industrial purposes only. Such permits may be issued only to persons who prove to the division that they use alcohol for industrial purposes.

(2) Industrial alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of industrial alcohol shall be conspicuously labeled "for industrial purposes" and shall meet other requirements which the division prescribes by rule.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27; 2023 a. 73.

125.63 Industrial wine permit. (1) The division may issue an industrial wine permit which authorizes the purchase and use of wine for industrial purposes only. An industrial wine permit

may be issued only to persons who prove to the division that they use wine for industrial purposes.

(2) Industrial wine permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of industrial wine shall be conspicuously labeled "for industrial purposes" and shall meet other requirements which the division prescribes by rule.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27; 2023 a. 73.

125.65 Permit to solicit for future sales. (1) The division may issue a permit for wholesale sales for future delivery which authorizes the permittee to solicit orders, and to engage in the sale, of intoxicating liquor for delivery at a future date. A person holding a permit under this section may give a sample of a brand of intoxicating liquor to a "Class A" licensee who has not previously purchased that brand from the permittee.

(2) Permits for wholesale sale for future delivery may be issued to any person who holds a valid certificate issued under s. 73.03 (50), who is qualified under s. 125.04 (5) (a) 1. and (b) and who is at least 18 years of age.

(3) Both natural persons engaged in actual solicitation of orders or sales and their employers shall obtain permits under this section.

(4) The division shall require the following information in applications for permits under this section:

(a) The type of permit desired.

(b) The name and address of the applicant; if the applicant is a partnership, limited liability company or association, the name and address of each member thereof; or if the applicant is a corporation, the name and address of each of its officers.

(c) The places where the business is to be conducted.

(d) For the period of at least 3 years immediately preceding the date of application, the business or occupation, if any, engaged in by the applicant; if a partnership, limited liability company or association, by each member thereof; or if a corporation, by each officer.

(e) Any other information required by the division.

(6) Employers shall furnish the division with the names of all employees engaged in activities requiring a permit under this section and shall notify the division whenever an employee begins or terminates employment. Upon leaving employment, an employee shall submit his or her permit to the division for cancellation.

(7) Every person holding a permit under this section shall exhibit it upon request to any prospective purchaser.

(8) Nonresident persons holding permits under this section may solicit sales from retailers in this state only if the orders are solicited for, and will be filled by, persons holding permits under s. 125.54.

(9) Any person who violates this section shall be fined not less than $100 nor more than $500 or imprisoned for not less than 30 days nor more than 6 months or both. Conviction for a violation of this section shall result in automatic revocation of any permit issued under this section. If a permit issued under this section is so revoked, another permit may not be issued to the same person for a period of 2 years following revocation.

(10) The division may not require a fee for a permit under this section for an individual who is eligible for the veterans fee waiver program under s. 45.44.

History: 1981 c. 79; 1985 a. 302; 1989 a. 253; 1993 a. 112; 1995 a. 27; 2007 a. 85; 2011 a. 209; 2023 a. 73.

125.66 Sale without license; failure to obtain permit; penalties. (1) No person may sell, or possess with intent to sell, intoxicating liquor unless that person holds the appropriate license or permit. Whoever violates this subsection may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

(2) The issuance of any current permit or special tax stamp of the federal government to any person, authorizing or permitting the person to sell intoxicating liquor, shall be prima facie evidence in any prosecution for violation of this section that the person was engaged in selling intoxicating liquor.

(3) Any person manufacturing or rectifying intoxicating liquor without holding appropriate permits under this chapter, or any person who sells such liquor, is guilty of a Class F felony.

(4) Notwithstanding sub. (1) and s. 125.04 (1), a "Class A" licensee who sells intoxicating liquor to a "Class B" licensee for resale may be fined not more than $100.

History: 1981 c. 79; 1989 a. 253; 1995 a. 27; 1997 a. 283; 2001 a. 109.

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of sub. (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. Williams v. City of Lake Geneva, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

125.67 Evading provisions of law by giving away intoxicating liquor; penalties. No person may give away intoxicating liquor or use any other means to evade any law of this state relating to the sale of intoxicating liquor. Whoever violates this subsection may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

History: 1981 c. 79; 1989 a. 253.

125.68 General restrictions and requirements. (1) MANAGERS' LICENSES; "CLASS B" AND "CLASS C" PREMISES. (a) If a municipal governing body elects to issue managers' licenses under s. 125.18, no person may manage premises operating under a "Class B" license or permit or a "Class C" license unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as required by s. 125.04 (6) or the holder of a manager's license. A manager's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. A person manages premises if that person has responsibility or authority for:

1. Personnel management of all employees, whether or not the person is authorized to sign employment contracts;

2. The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or

3. The daily operations of the premises.

(b) The municipal governing body may, by ordinance, define factors in addition to those listed in par. (a) which constitute management of premises.

(2) OPERATORS' LICENSES AND PERMITS; "CLASS A," "CLASS B," "CLASS C," AND OTHER PREMISES. Except as provided under ss. 125.07 (3) (a) 10. and 125.51 (10), no premises operated under a "Class A" or "Class C" license or under a "Class B" license or permit may be open for business, and no person who holds a brewer's permit, manufacturer's or rectifier's permit, or winery permit may allow the sale or provision of taste samples of intoxicating liquor on the brewery premises, manufacturing or rectifying premises, winery premises, or any retail outlet operated by the brewer, manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or

limited liability company, or some person who has an operator's license or operator's permit and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person other than the licensee, permittee, or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit, or serve or sell intoxicating liquor on brewery premises, manufacturing or rectifying premises, winery premises, or any retail outlet operated by a brewer, manufacturer, rectifier, or winery under s. 125.29 (7), 125.52 (4), or 125.53 (3), unless he or she has an operator's license or operator's permit, is considered to have an operator's license under this subsection, or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, or agent or a person holding an operator's license or operator's permit, who is on the premises at the time of the service.

(2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her "Class A" or "Class C" license or "Class B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

(3) RESTRICTIONS ON LOCATION. No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public or parochial school, tribal school, as defined in s. 115.001 (15m), hospital, or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection does not apply to any of the following:

(a) Premises covered by a license or permit on June 30, 1947.

(b) Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

(c) A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.

(4) CLOSING HOURS. (a) *Wholesalers.* No premises for which a wholesale intoxicating liquor permit has been issued may remain open for the sale of intoxicating liquor between the hours of 5 p.m. and 8 a.m., except on Saturday the premises may remain open until 9 p.m.

(b) *"Class A" retailers.* No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 6 a.m. A municipality may, by ordinance, impose more restrictive hours than those provided in this paragraph.

(c) *"Class B" and "Class C" retailers.* 1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), no premises may remain open between 3:30 a.m. and 6 a.m.

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on "Class C" licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision except with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a).

4. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters, painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

5. A municipality may not, by ordinance, impose different hours than those provided under subd. 1.

6. No person may serve wine after 9 p.m. on premises covered by a temporary "Class B" license issued as provided in s. 125.51 (10) (b).

(5) RESTAURANT SANITATION RULES. No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants. However, the department of agriculture, trade and consumer protection may not restrict the serving of cheese without charge in individual portions to customers as permitted by s. 97.01 (14g).

(8) SALE FROM ORIGINAL CONTAINER. (a) A person convicted of any of the following prohibited activities shall be fined not less than $150 nor more than $500 or imprisoned not less than 60 days nor more than 6 months or both:

1. Diluting any intoxicating liquor for purposes of sale as undiluted intoxicating liquor.

2. Refilling any original container which had previously been used for intoxicating liquor containing 21 percent or more of alcohol by volume.

3. Possessing diluted intoxicating liquor or refilled original containers on any premises covered by a "Class A" or "Class C" license or "Class B" license or permit.

(b) Possession of an original container which contains diluted intoxicating liquor or which has been refilled is prima facie evidence of intent to violate this subsection.

(9) LABELS; CONTENTS; PACKAGING. (b) All containers of intoxicating liquor sold in this state shall be clearly and legibly labeled with the name and address of the manufacturer and the name of the intoxicating liquor. The label shall meet any other labeling requirements created by the federal alcohol administration act.

(c) No intoxicating liquor may contain any added ingredients or substances which are injurious to health or deleterious for human consumption.

(d) All packages or containers of intoxicating liquor delivered in this state shall bear seals affixed by the manufacturer so that the contents cannot be removed without breaking the seals.

(e) No person holding a license or permit issued under this chapter may possess or sell any package or container of intoxicating liquor which does not comply with pars. (b) and (d) or which does not bear evidence that the package or container was in compliance when delivery was taken.

(f) Every person manufacturing, rectifying or blending intoxicating liquor sold in this state shall provide the division with the

names, brands, descriptions, alcoholic content by volume and any other information about the intoxicating liquor required by the division. Information required by this paragraph shall be submitted prior to placing any new blend on the market. The division may also require by rule that samples of new products be submitted for examination and analysis.

(g) Persons convicted of violating this subsection shall be fined not less than $500 nor more than $1,000 or imprisoned in the county jail for not less than 3 months nor more than one year or both.

(10) SHIPMENTS INTO STATE. (a) Except as provided in ss. 125.23 and 125.535, no intoxicating liquor may be shipped into this state unless consigned to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53.

(b) Except as provided in ss. 125.23 and 125.535, no common carrier or other person may transport into and deliver within this state any intoxicating liquor unless it is consigned to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53. Any common carrier violating this paragraph shall forfeit $100 for each violation.

(11) ALCOHOL OR WINE FOR NONBEVERAGE USE; PENALTY. (a) The following products are not intoxicating liquor subject to this chapter, when unfit for beverage purposes:

1. Denatured alcohol produced and used pursuant to acts of congress and regulations promulgated thereunder.

2. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

3. Flavoring extracts, syrups and food products.

4. Scientific, chemical, mechanical and industrial products.

(b) Any person who sells any of the products enumerated in par. (a) for intoxicating beverage purposes, either knowingly or under circumstances from which a reasonable person may deduce the intention of the purchaser to use them for such purposes, shall be penalized under s. 125.11.

(12) DENATURED ALCOHOL. (a) No person may recover any alcohol or alcoholic liquid from denatured alcohol by any process or use, sell, conceal or dispose of, in any manner, any alcohol or alcoholic liquid derived from denatured alcohol.

(b) Whoever violates par. (a) is guilty of a Class F felony.

(c) Any person causing the death of another human being through the selling or otherwise disposing of, for beverage purposes, either denatured alcohol or alcohol or alcoholic liquid redistilled from denatured alcohol is guilty of a Class E felony.

(13) INTOXICATING LIQUOR NOT PURCHASED ON RETAIL PREMISES IN A PARK. No provision of this chapter prohibits a licensee under s. 125.51 (3) from allowing, if the licensed premises are located in a public park within a 1st class city, a person who does not hold a license or permit under this chapter to possess and consume on the licensed premises intoxicating liquor that was not purchased from the licensee.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97; 2013 a. 268; 2015 a. 8, 55, 62; 2021 a. 39; 2023 a. 73.

It is not illegal under s. 176.07 [now sub. (4) (c) 3.] to allow the carry-out of liquor from a "Class B" licensed premises between 12 midnight and 8 a.m. [now 6 a.m.] if the sale of liquor occurred before 12 midnight. Defining "sale." 69 Atty. Gen. 168.

125.69 Restrictions on dealings between manufacturers, rectifiers, wholesalers and retailers.

(1) INTEREST RESTRICTIONS. (a) Subject to s. 125.20 (6), a manufacturer's or rectifier's permit under s. 125.52 may not be issued to any person who holds, or has an interest in a licensee or permittee holding, any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. A wholesaler's permit issued under s. 125.28 or 125.54.

5. A no-sale event venue permit issued under s. 125.24.

(b) Subject to s. 125.20 (6), a winery permit under s. 125.53 may not be issued to any person who holds, or has an interest in a licensee or permittee holding, any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. A wholesaler's permit issued under s. 125.28 or 125.54.

5m. A no-sale event venue permit issued under s. 125.24.

(c) Subject to s. 125.20 (6), a wholesaler's permit under s. 125.54 may not be issued to any person who holds, or has an interest in a licensee or permittee holding, any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. A brewer's permit issued under s. 125.29.

5. A brewpub permit issued under s. 125.295.

6. A winery permit issued under s. 125.53.

7. A manufacturer's or rectifier's permit issued under s. 125.52.

8. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

9. A no-sale event venue permit issued under s. 125.24.

(d) Subject to s. 125.20 (6), an out-of-state shipper's permit under s. 125.58 may not be issued to any person who holds, or has an interest in a licensee or permittee holding, any of the following:

1. A Class "A" license issued under s. 125.25 or "Class A" license issued under s. 125.51 (2).

2. A Class "B" license issued under s. 125.26, "Class B" license issued under s. 125.51 (3), or "Class C" license issued under s. 125.51 (3m).

3. A Class "B" permit issued under s. 125.27 or "Class B" permit issued under s. 125.51 (5).

4. A wholesaler's permit issued under s. 125.28 or 125.54.

5. A no-sale event venue permit issued under s. 125.24.

(e) Subject to s. 125.20 (6), a "Class A" license may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

1. A wholesaler's permit issued under s. 125.28 or 125.54.

2. A brewer's permit issued under s. 125.29.

3. A brewpub permit issued under s. 125.295.

4. A winery permit issued under s. 125.53.

5. A manufacturer's or rectifier's permit issued under s. 125.52.

6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

(f) Subject to s. 125.20 (6), a "Class B" license or permit or "Class C" license may not be issued to any person who holds, or has an interest in a permittee holding, any of the following:

1. A wholesaler's permit issued under s. 125.28 or 125.54.

2. A brewer's permit issued under s. 125.29.

3. Except as provided in s. 125.295 (1) (h), (2) (a) 6. e., and (3) (c), a brewpub permit issued under s. 125.295.

4. A winery permit issued under s. 125.53.

5. A manufacturer's or rectifier's permit issued under s. 125.52.

6. An out-of-state shipper's permit issued under s. 125.30 or 125.58.

(3) VOLUME DISCOUNTS TO CAMPUSES AND RETAILERS. A wholesaler of intoxicating liquor shall charge the same price to all campuses and retail licensees and permittees making purchases in similar quantities. Any discount offered on intoxicating liquor shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(4) RETAIL PURCHASE CREDIT RESTRICTIONS. (a) *Restrictions on sales.* 1. No intoxicating liquor retail licensee or retail permittee may:

a. Receive, purchase or acquire intoxicating liquor from any permittee except for cash or credit for a period of not more than 30 days.

b. Receive, purchase or acquire intoxicating liquor from any permittee if at the time of the receipt, purchase or acquisition, he or she is indebted to any permittee for intoxicating liquor received, purchased, acquired or delivered more than 30 days earlier.

2. No campus or intoxicating liquor retail licensee or permittee may receive any intoxicating liquor on consignment or on any basis other than a bona fide sale.

(b) *Restrictions on issuance of licenses and permits.* No intoxicating liquor retail license or retail permit may be issued under this chapter to any person having an indebtedness for intoxicating liquor outstanding more than 30 days. In each application for a retail license or retail permit, the applicant shall state whether the applicant has any indebtedness for intoxicating liquor to any licensee or permittee which has been outstanding for more than 30 days.

(d) *Penalties.* A retail licensee or retail permittee who violates par. (a) is subject to the penalties in s. 125.11, except that he or she may not be imprisoned.

(e) *Costs.* The cost of administering this subsection shall be charged to the manufacturer, rectifier and wholesaler permittees. The division shall determine the costs and shall establish the procedure for apportioning the cost against the permittees and provide for the method of payment to the division. All moneys collected by the division under this paragraph shall be credited to the appropriation account under s. 20.566 (9) (g).

(5) SOURCE OF SUPPLY. No wholesaler may purchase intoxicating liquor for resale unless he or she purchases it either from the primary source of supply for the brand of intoxicating liquor sought to be sold or from a wholesaler within this state who holds a permit issued under this chapter. No wholesaler may sell intoxicating liquor purchased by the wholesaler to any other licensee or permittee under this chapter if the intoxicating liquor has not been purchased by the wholesaler from the primary source of supply or from a wholesaler within the state holding a permit issued under this chapter.

(6) CAMPUSES AND RETAILERS TO PURCHASE FROM PERSONS HOLDING PERMITS. (a) No campus or retail licensee or permittee may purchase intoxicating liquor from, or possess intoxicating liquor purchased from, any person other than a wholesaler holding a permit under this chapter for the sale of intoxicating liquor.

(b) Any person who violates par. (a), if the total volume of intoxicating liquor purchased or possessed by that person in one month is 12 liters or less, may be required to forfeit not more than $100. A person who purchases or possesses more than 12 liters of intoxicating liquor in one month in violation of par. (a) shall be fined not less than $1,000 nor more than $10,000.

(c) Notwithstanding par. (b), a "Class B" licensee who purchases intoxicating liquor from a "Class A" licensee for resale or who possesses intoxicating liquor purchased from a "Class A" licensee for resale may be fined not more than $100.

(7) LICENSE OR PERMIT REVOCATION. The violation of sub. (3) or (5), or s. 125.20 (5) (d) as it relates to sub. (1), is sufficient cause for the revocation of the license or permit of any licensee or permittee receiving the benefit from the prohibited act as well as the revocation of the license or permit of the licensee or permittee committing the prohibited act.

(8) SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS. It is not a violation of this chapter for a manufacturer, rectifier, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail "Class B" license, this subsection is strictly applied only to the state fair park location.

(9) PROVIDING TASTE SAMPLES ON RETAIL PREMISES. (a) Subject to par. (e), with the consent of the "Class A," "Class B," or "Class C" licensee, a winery, manufacturer, or rectifier may provide, free of charge, on "Class A," "Class B," or "Class C" premises, taste samples of intoxicating liquor to any person who has attained the legal drinking age for consumption on the premises between the hours of 11 a.m. and 7 p.m.

(b) A taste sample of wine may not exceed 3 fluid ounces and a person may not receive more than 2 taste samples of wine per day. A taste sample of intoxicating liquor other than wine may not exceed 0.5 fluid ounces and a person may receive not more than one taste sample of such intoxicating liquor per day.

(c) A winery, manufacturer, or rectifier may provide taste samples of any intoxicating liquor purchased from the retail licensee or of any intoxicating liquor the winery, manufacturer, or rectifier produced on premises covered by its winery permit, manufacturer's permit, or rectifier's permit and brings to the retail premises, but the winery, manufacturer, or rectifier may not leave at the retail premises any unused intoxicating liquor not purchased from the retail licensee.

(d) Any representative of a manufacturer, rectifier, or winery issued a permit under s. 125.52 or 125.53 may assist the retail licensee in dispensing or serving the taste samples.

(e) This subsection authorizes taste samples only of wine on "Class C" licensed premises.

History: 1981 c. 79, 202; 1983 a. 26, 69, 182; 1985 a. 5, 15, 302; 1987 a. 403; 1989 a. 30, 31, 253; 1991 a. 39; 1995 a. 27; 2007 a. 20, 85; 2009 a. 28; 2011 a. 129; 2021 a. 43; 2023 a. 73; 2025 a. 15.

125.70 Trade show samples. A manufacturer, rectifier, winery, or intoxicating liquor wholesaler may furnish, free of charge, on "Class B" premises, taste samples of intoxicating liquor to any person who has attained the legal drinking age and who is attending a trade show, conference, convention, or similar business meeting, that is held on those premises, of a bona fide national or statewide trade association that derives income from

membership dues of "Class B" licensees. Taste samples may not be furnished under this section at more than 2 such events of any one trade association per year. No intoxicating liquor brought on "Class B" premises under this section may remain on those premises after the close of the trade show, conference, convention, or business meeting.

History: 1995 a. 320; 2013 a. 250.