CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE COMMON COUNCIL

Urging state legislators to oppose the passage of pending state legislation affecting the sale of alcohol beverages

Committee Action: Approved 11-0

Fiscal Impact: None

File Number:	21-0208	**Date Introduced:**	February 9, 2021

FISCAL IMPACT SUMMARY				
COSTS	*Budget Neutral*	Yes ☒ No ☐		
	Included in Budget:	Yes ☐ No ☐	*Budget Source:*	
	One-time Costs:	Yes ☐ No ☐	*Amount:*	
	Recurring Costs:	Yes ☐ No ☐	*Amount:*	
SOURCE	*Fee Financed:*	Yes ☐ No ☐	*Amount:*	
	Grant Financed:	Yes ☐ No ☐	*Amount:*	
	Debt Financed:	Yes ☐ No ☐	*Amount*	*Annual Retirement*
	TID Financed:	Yes ☐ No ☐	*Amount:*	
	TID Source: Increment Revenue ☐ *Debt* ☐ *Funds on Hand* ☐ *Interfund Loan* ☐			

RESOLUTION

WHEREAS, the State of Wisconsin regulates the sale of alcohol beverages through the provisions of chapter 125 of the Wisconsin Statutes; and

WHEREAS, under the state statutes, with limited exceptions, no person or establishment may sell alcohol beverages unless the seller possess a license or permit authorizing the sale; and

WHEREAS, a person or establishment holding a "Class B" license to sell alcohol beverages may sell intoxicating liquor by the glass for consumption on the premises of the license holder and, if authorized by ordinance may also sell wine and distilled spirits in original packages or containers for consumption off the licensed premises; and

WHEREAS, a person or establishment holding a "Class A" or Class "A" license may only make face-to-face sales of alcohol beverages to consumers on the licensed premises; and

WHEREAS, in response to the on-going COVID-19 pandemic, the City of Wausau has taken

local, municipal action, consistent with state statutes to permit certain "carry-out" sales of alcohol beverages by holder of "Class B," "Class A," and Class "A" licensees by temporarily suspending its prohibition in its local ordinance W.M.C. §5.64.036 against drive-up sales of alcohol beverages in original, sealed containers in conjunction with the sale of drive-up or curb-side food or grocery orders until June 30, 2021; and

WHEREAS, such local action was taken by the City to assist and accommodate its local business community to address the unique circumstances of the COVID-19 pandemic; and

WHEREAS, the City is committed to the well-being of its local businesses at all times, and in particular during this pandemic; and

WHEREAS, state legislation is currently being proposed through **2021 Senate Bill 22**, a copy of which is attached, that would permit "Class B" retailers such as restaurants, taverns and supper clubs to allow for the sale of "cocktails-to-go" thus allowing customers to purchase cocktails or mixed drinks made with distilled spirits, or glasses of wine, with their takeout orders from restaurants if the restaurant or bar seals the container with a tamper-evident seal before the cocktail or wine is removed from the premises; and

WHEREAS, state legislation is also currently being proposed through **2021 Senate Bill 56**, a copy of which is also attached, that would allow most alcohol beverage retailers to make online or telephone sales of alcohol beverages to be picked up by the customer at parking spaces that are part of the retail licensed premises and further prohibits municipalities from imposing additional restrictions on these sales by local ordinance; and

WHEREAS, the City believes decisions relating to these types of sales of alcohol beverages are best left in the hands of municipalities, as local governments know best the needs of their local business communities and, Wisconsin alcohol policy has traditionally valued and encouraged local control; and

WHEREAS, the City believes it is critical to reduce the risk of alcohol consumption and the operation of vehicles by operators under the influence of alcohol beverages, and the ability of alcohol to be obtained by those individuals under the age of 21; and

WHEREAS, as a result the City is opposed to the passage of state legislation that encourages and increases the potential opportunities alcohol consumption by operators of motor vehicles or by underage individuals.

NOW THEREFORE BE IT RESOLVED, that Common Council of the City of Wausau urges local state legislators to oppose the passage of **2021 Senate Bill 22**, **2021 Senate Bill 56**, or any similar legislation.

BE IT FURTHER RESOLVED, that if such legislation were to proceed to be enacted into law, that at a minimum, it be a temporary measure with a clear and defined expiration date and a requirement that the purchased alcohol beverage be transported out of the reach of the operator of the vehicle.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward this Resolution to our local State Legislatures, the Governor, and the Wisconsin League of Municipalities.

Approved:

Katie Rosenberg, Mayor

Final

State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1378/1
ARG:cdc

2021 SENATE BILL 22

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

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

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

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

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

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

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

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

125.51 **(3)** (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 ~~only~~ on the premises where sold ~~and~~ 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. This paragraph does not apply to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

(END)

State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1870/1
ARG:emw

2021 SENATE BILL 56

February 2, 2021 - Introduced by Senators STROEBEL, ROYS and L. TAYLOR, cosponsored by Representatives TAUCHEN, DUCHOW, DOYLE, KURTZ, MILROY, L. MYERS, NEUBAUER, NOVAK, THIESFELDT, WITTKE and SHANKLAND. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

AN ACT ***to renumber and amend*** 125.25 (3), 125.26 (3), 125.272, 125.51 (2) (c), 125.51 (3) (d) and 125.51 (6); ***to amend*** 125.02 (20), 125.26 (2u), 125.26 (2w), 125.26 (2x), 125.51 (3) (bu), 125.51 (3) (bw) and 125.51 (3) (bx); and ***to create*** 125.10 (6), 125.272 (2) and 125.51 (6) (b) of the statutes; **relating to:** remote orders for the sale of alcohol beverages to be picked up on retail licensed premises.

Analysis by the Legislative Reference Bureau

This bill allows most alcohol beverage retailers to make online or telephone sales of alcohol beverages to be picked up by the customer at parking spaces that are part of the retail licensed premises. The bill also prohibits municipalities from imposing by ordinance additional restrictions on these sales.

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Class "A" and "Class A" licenses authorize the retail sale of, respectively, fermented malt beverages (beer) and intoxicating liquor in original packages for consumption off the licensed premises. Intoxicating liquor includes wine and distilled spirits. A Class "B" license authorizes the retail sale of beer for consumption on or off the premises. Except when issued to a winery, a "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the licensed premises and, subject to certain restrictions, the retail sale of intoxicating liquor in original

packages for consumption off the licensed premises. Each of these retail licenses is issued by a municipality.

Under current law, a retail license authorizes only face-to-face sales of alcohol beverages to consumers on the licensed premises. The sale to the consumer on the licensed premises is governed by certain requirements, including that the purchaser be of legal drinking age and that the sale be made only during certain hours. The licensed premises on which the sale occurs must be particularly described in the retail license issued by the municipality, and each applicant for a retail license must identify in the application the premises where alcohol beverages will be sold.

This bill provides that, if a Class "A", "Class A", Class "B", or "Class B" licensee receives a remote order for alcohol beverages that the consumer will pick up at a parking space that is part of the retailer's licensed premises, the sale of alcohol beverages occurs at the time the consumer takes possession of the alcohol beverages at the parking space, regardless of when the consumer makes payment. The bill defines "remote order" as an order for the sale of alcohol beverages that is placed by telephone or Internet by a consumer who asserts at the time of placing the order that he or she is at least 21 years of age. A Class "B" or "Class B" licensee may sell alcohol beverages by remote order only for consumption off the licensed premises. The bill also specifies that licensed premises identified in the retail license may include parking spaces associated with a structure described as licensed premises, even if the parking spaces are not contiguous with the remainder of the licensed premises. The bill also prohibits municipalities from adopting ordinances that impose additional restrictions on alcohol beverage sales made by these retailers pursuant to remote orders.

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

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

2 125.02 **(20)** ~~"Sell",~~ Subject to ss. 125.272 (2) (b) and (c) and 125.51 (6) (b) 2. and
3 3., "sell," "sold"~~,~~," "sale," or "selling" means any transfer of alcohol beverages with
4 consideration or any transfer without consideration if knowingly made for purposes
5 of evading the law relating to the sale of alcohol beverages or any shift, device,
6 scheme or transaction for obtaining alcohol beverages, including the solicitation of
7 orders for, or the sale for future delivery of, alcohol beverages.

8 **SECTION 2.** 125.10 (6) of the statutes is created to read:

125.10 **(6)** REMOTE ORDERS OF ALCOHOL BEVERAGES. (a) Notwithstanding sub. (1), and subject to par. (b), a municipality may not prescribe additional regulations for, or impose additional restrictions relating to, sales of alcohol beverages made pursuant to remote order, as defined in s. 125.272 (2) (a), by Class "A", "Class A", Class "B", or "Class B" licensees. An ordinance that is inconsistent with this paragraph may not be enforced.

(b) Paragraph (a) does not limit a municipality's authority to adopt ordinances of general application that apply to all sales by a retail licensee, including ordinances adopted under ss. 125.32 (3) (d) and 125.68 (4) (b) and (c) 3.

SECTION 3. 125.25 (3) of the statutes is renumbered 125.25 (3) (a) and amended to read:

125.25 **(3)** (a) Class "A" licenses shall particularly describe the premises for which issued ~~and~~. The premises for a Class "A" license may include, if described in the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated with any structure described as licensed premises in the license application, even if the parking spaces are not contiguous with the remainder of the Class "A" licensed premises.

(b) Class "A" licenses are not transferable, except under s. 125.04 (12).

(c) A Class "A" license is subject to revocation for violation of any of the terms or provisions thereof.

SECTION 4. 125.26 (2u) of the statutes is amended to read:

125.26 **(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) (a) 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.

SECTION 5. 125.26 (2w) of the statutes is amended to read:

125.26 **(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) (a) 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.

SECTION 6. 125.26 (2x) of the statutes is amended to read:

125.26 **(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) (a) 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.

SECTION 7. 125.26 (3) of the statutes is renumbered 125.26 (3) (a) and amended to read:

125.26 **(3)** (a) Class "B" licenses shall particularly describe the premises for which issued ~~and~~. The premises for a Class "B" license may include, if described in the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated with any structure described as licensed premises in the license application, even if the parking spaces are not contiguous with the remainder of the Class "B" licensed premises.

(b) Class "B" licenses are not transferable, except as provided in s. 125.04 (12).

(c) A Class "B" license is subject to revocation for violation of any of the terms or provisions thereof.

SECTION 8. 125.272 of the statutes is renumbered 125.272 (1) and amended to read:

125.272 **(1)** Except as provided in ss. 125.26 (2m), (2s), and (2x) and 125.27 (4) and except with respect to caterers, and subject to sub. (2), 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.

SECTION 9. 125.272 (2) of the statutes is created to read:

125.272 **(2)** (a) In this subsection, "remote order" means an order for the sale of alcohol beverages that is placed by telephone or Internet by a consumer who

asserts at the time of placing the order that he or she has attained the legal drinking age.

(b) If a Class "A" licensee receives a remote order for fermented malt beverages that the consumer will pick up at a parking space that is part of the Class "A" licensed premises, the sale of fermented malt beverages occurs at the time the consumer takes possession of the fermented malt beverages at the parking space that is part of the Class "A" licensed premises, regardless of when the consumer makes payment for the fermented malt beverages.

(c) If a Class "B" licensee receives a remote order for fermented malt beverages that the consumer will pick up at a parking space that is part of the Class "B" licensed premises, the sale of fermented malt beverages occurs at the time the consumer takes possession of the fermented malt beverages at the parking space that is part of the Class "B" licensed premises, regardless of when the consumer makes payment for the fermented malt beverages. Notwithstanding s. 125.26 (1), a Class "B" licensee's sale of fermented malt beverages made by remote order under this paragraph is authorized only for consumption off the licensed premises.

SECTION 10. 125.51 (2) (c) of the statutes is renumbered 125.51 (2) (c) 1. and amended to read:

125.51 **(2)** (c) 1. "Class A" licenses shall particularly describe the premises for which issued ~~and~~. The premises for a "Class A" license may include, if described in the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated with any structure described as licensed premises in the license application, even if the parking spaces are not contiguous with the remainder of the "Class A" licensed premises.

2. "Class A" licenses are not transferable, except as provided in s. 125.04 (12).

1 **SECTION 11.** 125.51 (3) (bu) of the statutes is amended to read:

2 125.51 **(3)** (bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in
3 addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b), a "Class
4 B" license issued under sub. (1) to a caterer also authorizes the caterer to provide
5 intoxicating liquor, including its retail sale, at the National Railroad Museum in
6 Green Bay during special events held at this museum. Notwithstanding subs. (1) (a)
7 and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph
8 at any location at the National Railroad Museum even though the National Railroad
9 Museum is not part of the caterer's licensed premises, as described under par. (d) 1.
10 in the caterer's "Class B" license, and even if the National Railroad Museum is not
11 located within the municipality that issued the caterer's "Class B" license. A caterer
12 that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as
13 if the intoxicating liquor were provided on the caterer's "Class B" licensed premises.
14 This paragraph does not authorize the National Railroad Museum to sell
15 intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of
16 retail sale. This paragraph does not apply if, at any time, the National Railroad
17 Museum holds a "Class B" license.

18 **SECTION 12.** 125.51 (3) (bw) of the statutes is amended to read:

19 125.51 **(3)** (bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in
20 addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class
21 B" license issued under sub. (1) to a caterer also authorizes the caterer to provide
22 intoxicating liquor, including its retail sale, at the Heritage Hill state park during
23 special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a),
24 a caterer may provide intoxicating liquor under this paragraph at any location at the
25 Heritage Hill state park even though the Heritage Hill state park is not part of the

1 caterer's licensed premises, as described under par. (d) 1. in the caterer's "Class B"
2 license, and even if the Heritage Hill state park is not located within the municipality
3 that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor
4 under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were
5 provided on the caterer's "Class B" licensed premises. This paragraph does not
6 authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure
7 or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply
8 if, at any time, the Heritage Hill state park holds a "Class B" license.

9 **SECTION 13.** 125.51 (3) (bx) of the statutes is amended to read:

10 125.51 **(3)** (bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in
11 addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class
12 B" license issued under sub. (1) also authorizes the licensee to provide intoxicating
13 liquor, including its retail sale, at specific locations within the Ozaukee County
14 fairgrounds for consumption at these locations during special events held at the
15 fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee
16 and if the licensee's "Class B" licensed premises are located in Ozaukee County.
17 Notwithstanding pars. (a) and (b) and sub. (1) (a), a licensee may provide intoxicating
18 liquor under this paragraph at the Ozaukee County fairgrounds even though the
19 Ozaukee County fairgrounds are not part of the licensee's licensed premises, as
20 described under par. (d) 1. in the licensee's "Class B" license, and even if the Ozaukee
21 County fairgrounds are not located within the municipality that issued the licensee's
22 "Class B" license. A licensee that provides intoxicating liquor under this paragraph
23 is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the licensee's
24 "Class B" licensed premises. This paragraph does not authorize Ozaukee County or
25 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.

SECTION 14. 125.51 (3) (d) of the statutes is renumbered 125.51 (3) (d) 1. and amended to read:

125.51 **(3)** (d) 1. "Class B" licenses shall particularly describe the premises for which issued ~~and~~. The premises for a "Class B" license may include, if described in the license application as provided in s. 125.04 (3) (a) 3., parking spaces associated with any structure described as licensed premises in the license application, even if the parking spaces are not contiguous with the remainder of the "Class B" licensed premises.

2. "Class B" licenses are not transferable, except as provided in s. 125.04 (12).

SECTION 15. 125.51 (6) of the statutes is renumbered 125.51 (6) (a) and amended to read:

125.51 **(6)** (a) Except as provided in subs. (3) (bm), (bs), and (bx) and (5) (e) and except with respect to caterers, and subject to par. (b), 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.

SECTION 16. 125.51 (6) (b) of the statutes is created to read:

125.51 **(6)** (b) 1. In this paragraph, "remote order" has the meaning given in s. 125.272 (2) (a).

2. If a "Class A" licensee receives a remote order for intoxicating liquor that the consumer will pick up at a parking space that is part of the "Class A" licensed premises, the sale of intoxicating liquor occurs at the time the consumer takes possession of the intoxicating liquor at the parking space that is part of the "Class

A" licensed premises, regardless of when the consumer makes payment for the intoxicating liquor.

3. If a "Class B" licensee receives a remote order for intoxicating liquor that the consumer will pick up at a parking space that is part of the "Class B" licensed premises, the sale of intoxicating liquor occurs at the time the consumer takes possession of the intoxicating liquor at the parking space that is part of the "Class B" licensed premises, regardless of when the consumer makes payment for the intoxicating liquor. Notwithstanding sub. (3) (a) to (b), a "Class B" licensee's sale of intoxicating liquor made by remote order under this subdivision is authorized only for consumption off the licensed premises. This subdivision does not affect any restriction under sub. (3) (a) to (b) on a "Class B" licensee's authorization to sell intoxicating liquor for consumption off the licensed premises.

(END)