



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0348/P2
ARG:cjs/wlj/amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 125.09 (1); *to amend* 125.09 (1) (title); and
2 *to create* 125.09 (1) (b) and (c) 3. of the statutes; **relating to:** consumption of
3 alcohol beverages on certain nonpublic property.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Alcohol Beverages Enforcement.

Background

Current law generally prohibits an owner, lessee, or person in charge of a "public place" from permitting the consumption of alcohol beverages on the "premises" of the public place unless the person has an appropriate retail license or permit. "Premises" is defined as the area described in a license or permit for the sale of alcohol beverages. The Department of Revenue (DOR) interprets the term "public place" for purposes of the prohibition described above, to be dependent upon the nature of the event hosted on the property. Specifically, DOR considers whether the event is limited to personally invited guests known to the host and not open to the general public. As long as alcohol beverages are not sold, either directly or indirectly, and the event is limited to personally invited guests known to the host and not open to the general public, then an alcohol beverages retail license is not required under DOR's interpretation.

The general prohibition described above is subject to certain exceptions. This prohibition does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges 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 prohibition also does not apply to the consumption of fermented malt beverages (beer) on commercial quadricycles, except in municipalities that have adopted ordinances prohibiting this activity. Current law, however, does not define what constitutes a “public place” for purposes of this prohibition.

Bill

The bill amends the prohibition above such that an owner, lessee, or person in charge of a “public place” may not permit the consumption of alcohol beverages on the “property” of the public place unless the person has the appropriate retail license or permit.

The bill also prohibits an owner or person in charge of property that is “not a public place” from permitting the consumption of alcohol beverages on the property if he or she receives payment for temporary use of the property by another person for a specific event unless 1) the owner or person in charge of the property obtains the appropriate retail license or permit; and 2) the consumption of alcohol beverages occurs on that portion of the property that is covered by the retail license or permit. The bill provides an exception to this prohibition for the temporary use of any of the following:

- A room in a hotel, motel, or bed and breakfast that is used for overnight accommodations.
- 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.
- A campsite on a campground licensed by the Department of Agriculture, Trade and Consumer Protection.
- Property used for purposes of parking.
- Property located within a local professional football stadium district (Brown County) if the property is used in connection with, and on the same day as, a professional football game held at the football stadium.
- Property located within a local professional baseball park district (Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties) if the property is used in connection with, and on the same day as, a professional baseball game held at the baseball park.
- Property by a nonprofit organization described in s. 501 (c) (3) of the Internal Revenue Code, or property that such a nonprofit organization owns, leases, or rents.

1 **SECTION 1.** 125.09 (1) (title) of the statutes is amended to read:

2 125.09 (1) (title) PUBLIC CONSUMPTION IN PUBLIC PLACE OR ON CERTAIN RENTAL
3 PROPERTY.

4 **SECTION 2.** 125.09 (1) of the statutes is renumbered 125.09 (1) (a) and amended
5 to read:

6 125.09 (1) (a) No owner, lessee, or person in charge of a public place may permit
7 the consumption of alcohol beverages on the ~~premises~~ property of the public place,
8 unless the person has an appropriate retail license or permit.

1 (c) 1. This subsection does not apply to municipalities, buildings and parks
2 owned by counties, regularly established athletic fields and stadiums, school
3 buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and
4 time an event sponsored by the private college is being held, churches, or premises
5 in a state fair park ~~or clubs. This subsection also.~~

6 2. Paragraph (a) does not apply to clubs or to the consumption of fermented
7 malt beverages on commercial quadricycles except in municipalities that have
8 adopted ordinances under s. 125.10 (5) (a).

9 **SECTION 3.** 125.09 (1) (b) and (c) 3. of the statutes are created to read:

10 125.09 **(1)** (b) No owner or person in charge of property that is not a public place
11 and who receives payment for temporary use of the property by another person for
12 a specific event may permit the consumption of alcohol beverages on the property,
13 unless the person has an appropriate retail license or permit and the consumption
14 of alcohol beverages occurs on that portion of the property covered by the retail
15 license or permit.

16 (c) 3. Paragraph (b) does not apply to the temporary use of any of the following:

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

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

22 c. A campsite on a campground licensed under s. 97.67.

23 d. Property for purposes of parking.

