

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ _____ Application Date: _____

Town Village City of _____ County of _____

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning _____ and ending _____ and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) → Bona fide Club Church Lodge/Society
 Veteran's Organization Fair Association or Agricultural Society
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name _____

(b) Address _____
(Street) Town Village City

(c) Date organized _____

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President _____

Vice President _____

Secretary _____

Treasurer _____

(g) Name and address of manager or person in charge of affair: _____

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number _____

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? _____

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event _____

(b) Dates of event _____

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer _____
(Signature / Date)

(Name of Organization)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

Additional Information

May be Granted and Issued only to (secs. 125.26(6), and 125.51(10), Wis. Stats.):

- (1) Bona fide clubs.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application.
- (4) Posts of veterans organizations.
- (5) Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (secs. 125.26(1) and 125.51(10), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:
 - Class "B" (Beer):
 - a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (sec. 125.04(3)(f), Wis. Stats.)
 - b. At least 15 days prior to the granting of the license for events lasting 4 or more days.
 - "Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.
- (4) Seller's Permit: (sec. 77.54 (7m), Wis. Stats.), provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required. (sec. 125.04(3)(g), Wis. Stats.)

Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.) (secs. 125.26(6) and 125.51(10), Wis. Stats.)

Duration: The day, or consecutive days, that the specified event is in progress. A municipality may issue up to 20 licenses to the same licensee for a single event, if each license is issued for the same date and time. (sec. 125.51(10)(b), Wis. Stats.)

Restrictions:

- (1) License may not be issued to individuals. (secs. 125.02 (14), 125.26(6), 125.51(10), Wis. Stats.)
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (3) License may cover either a specified area or the entire picnic grounds. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (4) License issued to a county or district fair must cover the entire fairgrounds (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (5) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (sec. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (6) Licensed operator(s) must be present at all times (secs. 125.17, 125.26(6), 125.32(2) - Beer; 125.17, 125.51(10), 125.68(2) - Wine; Wis. Stats.)
- (7) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (sec. 125.32(6), Wis. Stats.)
- (8) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veterans' post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: 1) each license is issued for the same date and times, 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event, and 4) within the immediately preceding 12-month period, the municipality has issued these multiple licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit. (sec. 125.51(10), Wis. Stats.)
- (9) Licensed organizations must purchase their alcohol beverages only from permitted Wisconsin wholesalers, breweries and brewpubs. (secs. 125.33(6), and 125.69(6), Wis. Stats.)

VILLAGE OF PRAIRIE DU SAC
Temporary Class B Retailer's Supplemental Information

This Form shall be completed along with the License Application

Event: _____
Event Date(s): _____
Event Location: _____
Proposed Hours*: _____
Approximate # of Participants: _____
Event Sponsor: _____
Contact Person: _____ Phone: _____

SECURITY:

Type of On-Site Security: _____

AREA OF DISPENSING & CONSUMPTION

Fenced Area: _____
Location/Size: _____

Enclosed Building/Structure: _____
Location/Size: _____

EMERGENCY ACCESS

Medical Personnel On-site(describe) _____

Direct Communication (Cell Phone, 2-way radio, etc.) _____

IDENTIFICATION/AGE VERIFICATION

Describe proposed procedure to verify and identify legal consumers:

*All Serving and Consumption must be completed by 12:00 Midnight and assembly disbursed.

TRAFFIC CONTROL

Parking (Describe location, # spaces, how controlled): _____

Emergency Access (Describe route/location reserved for public safety vehicles):

EVIDENCE OF INSURANCE:

Applicant shall furnish Certificate of Insurance naming Village of Prairie du Sac as Additional Insured:

General Aggregate Limit:	\$ 2,000,000
Per Occurrence Limit:	\$ 1,000,000
Personal & Advertising Limit:	\$ 1,000,000
Medical Expense Limit:	\$ 5,000
Property Damage Limit	\$ 100,000

rev. 2/14/00

Please describe coordination with other Village Departments, if applicable:

Sauk Prairie Police Department - Chief of Police

Recommended for Approval: _____

Not Recommended for Approval: _____

Criminal History:

Driving Record:

SEC. 7-2-15 RESTRICTIONS ON TEMPORARY CLASS “B” AND “CLASS B” PICNIC OR SPECIAL EVENT LICENSES.

- (a) GENERAL CONDITIONS OF LICENSE. Groups that have been granted a Temporary Class “B” and/or “Class B” license shall comply with the following conditions of license:
- (1) LICENSED OPERATORS. There shall be at least one person properly licensed as an operator under the provisions of this Chapter on the premises at all times to see the activities of those persons serving and selling alcoholic beverages. No persons under eighteen (18) years of age shall be allowed to assist in the sale of alcoholic beverages at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
 - (2) COMPLIANCE WITH LAWS. Holders of temporary licenses shall fully comply with all provisions of this Code and the state statutes.
 - (3) SUITABLE FACILITIES. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
 - (4) POSTING OF LICENSE. All temporary licenses shall be posted in a conspicuous place and shall specify the date(s) and hours for which said licenses are issued.
 - (5) INSURANCE. The applicant for temporary licenses will be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, death of any person, or any damage to property caused by or resulting from the activities for which the license is granted. As evidence of the applicant’s ability to perform the conditions of the license, the applicant will be required to furnish a Certificate of Comprehensive General Liability insurance naming the Village of Prairie du Sac as an additional insured. The applicant may be required to furnish a performance bond prior to being granted the license. Such insurance shall be in such form and for such amounts as the Village Board may from time to time reasonably established.
 - (6) HOURS. The recipient of a temporary license shall insure that the sale and consumption of alcohol beverages shall not occur between the hours of 12 midnight and 6 a.m. of the date(s) of the licensed event.
 - (7) TERMINATION OF EVENT. Should the Chief of Police or his/her designee determine activities are or will become dangerous or when necessary to protect public health, safety or welfare, the Chief of Police or his/her designee is authorized to terminate the event. Such termination will not be grounds for refunding of any fees or apportion there of associated with the temporary license or operator’s licenses.
 - (8) SIGNAGE. All organizations issued a license under 7-2-4(e) of the Code of Ordinances shall post in a conspicuous location at all points of sale and entrance to the premise, a sufficient number of signs disclosing that no alcohol beverages shall be served to any underage person or without proper age identification and that carrying containers containing alcohol from the licensed premise is prohibited.
 - (9) UNDERAGE PERSONS. Unless prohibited by the license issued under 7-2-4(e) of the Code of Ordinances, the licensee is authorized to permit unaccompanied

underage persons to enter and remain on premises for which a temporary license is issued per the following:

- a. The licensee provides a means of identification, such as a wrist band, to identify those persons who are at least twenty-one (21) years of age and will be purchasing and/or consuming alcohol.
- b. An underage person may only enter and remain on premises covered by a temporary "Class B" (wine) license if 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 the underage persons as a designated drivers.
- c. An underage person may enter and remain on premises covered by a temporary license per Section 125.07(3)(a)3 Wis. Stats.

(b) REGULATIONS CONCERNING ALCOHOL BEVERAGES IN PARKS OR OPEN SPACES. Groups that have been granted a Temporary Class "B" or "Class B" license for a premise in a park or open space, privately owned or otherwise, shall comply with the following conditions of license:

- (1) All organizations shall install a single fence, at a minimum height of four (4) feet, around the licensed premise, including the point of sale facilities and consumption area to control ingress and egress. At the discretion of the Chief of Police when deemed necessary to prevent transfer to underage persons, a second fence maybe required to be installed at a distance of three (3) feet from the first fence.
- (2) At the cost of the licensee, with the approval of the Chief of Police or his/her designee, a licensed operator, licensed private security officer, Sauk Prairie Police Officer or another law enforcement officer shall be stationed at each entrance of the premise after 9 p.m. for the purpose of checking age identification. The Chief of Police or his/her designee is authorized to require additional security or law enforcement officers based on past experience or special concerns regarding the event, with the cost of such being paid for by the licensee.
- (3) A licensed operator shall be stationed at all points of sale at all times.
- (4) No glass containers allowed.
- (5) There shall be a sufficient number of permanent and/or temporary toilet facilities to accommodate the size and nature of the event as determined by the Village.

INFORMATIONAL PAMPHLET
LICENSING FOR ALCOHOL BEVERAGES

All Section (sec.) references are to the Wisconsin Statutes

I. AUTHORITY

A. Municipalities – may grant (approve by licensing authority) or issue (give to applicant) licenses for the sale of alcohol beverages subject to limitations and restrictions imposed by law as follows:

1. Class "A" retailers (sec. 125.25) may sell beer to consumers in any quantity in original packages for off-premise consumption only. They may offer taste samples of beer on premises.
2. Class "B" retailers (sec. 125.26(1), (2), (3), (4), and (5)) may sell beer to consumers for on-premise or off-premise consumption.
3. Temporary Class "B" retailers (sec. 125.26(6)) may sell beer to consumers at a picnic or similar gathering of limited duration, or a single-day, multiple-location event such as a "beer walk". Such licenses may only be issued to bona fide clubs, chambers of commerce, lodges, societies, and churches which have been in existence for at least six months, or to veteran's organizations and fair associations. A municipality may issue temporary Class "B" licenses for a single-day, multiple-location event, if all of the following apply:
 - a) each license is issued for the same date and times and the licensee is the sponsor of the 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 beer at the event.
4. Temporary "Class B" retailers (sec. 125.51(10)) may sell wine to consumers at a picnic or similar gathering of limited duration, or a single-day, multiple-location event such as a "wine walk". Such licenses may only be issued to bona fide clubs, chambers of commerce, lodges, societies, and churches which have been in existence for at least six months, or

to veteran's organizations and fair associations. A municipality may issue up to 20 temporary "Class B" licenses for a single-day, multiple-location event, if all of the following apply:

- a) each license is issued for the same date and times and the licensee is the sponsor of the 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 wine at the event.
5. "Class A" retailers (sec. 125.51(2)(a), (b), (c), (d), and (e)) may sell intoxicating liquor to consumers only in original packages for off-premise consumption. They may offer taste samples of wine or intoxicating liquor on premises. ("Class A" – (cider only) retailers may not make retail sales or offer taste samples of any intoxicating liquor other than cider.)

Note: A municipality shall issue a "Class A" license to an 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 for the same premises for which the "Class A" license application is made.
 6. "Class B" retailers (sec. 125.51(3)(a), (c), (d), (e), and (f)) may sell intoxicating liquor to consumers for on-premise consumption. If the municipality enacts a specific ordinance under sec. 125.51(3)(b) sales may be made for off-premise consumption in quantities not exceeding four liters.
 7. "Class C" retailers (sec. 125.51(3m)) may sell wine by the glass or in an opened original container for consumption on the

premises where sold. Such licenses may only be issued for restaurants if the sale of alcohol beverages accounts for less than 50% of the gross receipts. It may not be issued to foreign corporations or foreign LLC's.

Note: Issuing a "Class C" wine license to businesses that are not "restaurants" (defined in sec. 97.01(14g), Wis. Stats.) such as a painting studio is prohibited. Effective July 1, 2016, "restaurant" means any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public. Any license issued in violation of state law is a void license, sec. 125.04(2), Wis. Stats.

8. Provisional retail licenses (sec. 125.185) shall be issued by municipalities. The 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 the retail licenses.
 - a) May be issued only to persons applying for Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine authorizing only the activities allowed under that type of license.
 - b) Fee shall be established by ordinance, but may not exceed \$15.
 - c) A provisional license expires 60 days after issuance or when the person is issued a retail license. The license may be revoked by the municipal official if he or she discovers the holder made false statements in the application.
 - d) A municipal official may not issue a provisional "Class B" license if the quota prohibits the issuance of such a license.
 - e) No person may hold more than one provisional retail license for each type of license applied for per year.
9. Operator's licenses (sec. 125.17(1), (2), and (3)), temporary operator's licenses (sec. 125.17(4)), and provisional operator's licenses (sec. 125.17(5), and (6), 125.32(2)-beer, and 125.68(2)-liquor) shall be issued to individuals 18 years of age

or over who do not have an arrest or conviction record subject to secs. 111.321, 111.322 and 111.335 and will be responsible for supervising activities on Class "A" beer, Class "B" beer, "Class B" intoxicating liquor, and "Class A" intoxicating liquor and "Class C" wine premises during required hours in absence of the licensee or approved agent of corporation/limited liability company. Licensed operators (bartenders) are also required on the premises of Temporary Class "B"/"Class B" licenses. Temporary operator's licenses may be issued to persons employed by or donating their services to, nonprofit corporations. No person may hold more than two temporary operator's licenses per year. New applicants must successfully complete a beverage server training course prior to issuance of the license. The municipal governing body may by ordinance establish standards for issuance of provisional operators' licenses and designate the municipal official having authority to issue them. Provisional operator's licenses shall be issued to persons enrolled in the course and who have applied for a regular operator's license.

They may also be issued to someone who held an operator's license in another municipality and has applied for an operator's license in your municipality.

10. "Class B" winery (sec. 125.51(3)(am), 125.51(1), 125.51(4)(a)1, 125.51(3)(f), 125.53) - winery capable of producing 5,000 gallons/year may sell wine only, for on or off premise consumption. "Class B" winery license does not count against municipalities' quota, and is not subject to "reserve" fee. Winery may have either one "Class A" or one "Class B" but not both; may be issued at the winery or to real estate owned or leased to the winery.
- B. The Department of Revenue may issue alcohol beverage permits as follows:
1. Fermented malt beverage wholesaler permit holders (sec. 125.28(1)), may sell fermented malt beverages (beer) only in original packages to retailers or wholesalers (secs. 125.29 and 139.09)).
 2. Sports "Class B" retailers (sec. 125.51(5)(a)) may sell intoxicating liquor if the facilities are not open to the general public and the

municipality does not issue such licenses or to a club located in a municipality that issues "Class B" licenses, if the club is not open to the general public, was not issued a license under sec. 176.05 (4a), 1979, stats., and does not currently hold a "Class B" license.

3. Sports Class "B" retailers (sec. 125.27(1)) may sell beer if the facilities are not open to the general public. These may be issued only if the municipality does not issue such licenses.
4. County or municipal-owned airport or public facilities "Class B" retailers (sec. 125.51(5)(b)) may sell intoxicating liquor. The permit may only be issued to a designated concessionaire. (A Class "B" beer license must be obtained from the municipality in which the airport or public facility is located.)
5. Vessels Class B retailers (secs. 125.27(2) and 125.51(5)(c)) may be issued a permit if meeting the criteria as set forth in the statutes.
6. Brewery, brewpub, winery, wholesale liquor/beer, manufacturer and rectifier permits (secs. 125.29, 125.295, 125.53, 125.54, 125.28, and 125.52).

II. QUALIFICATIONS

A. Training Course.

Individuals, partners, and agents of corporations/organizations and limited liability companies must have successfully completed a Wisconsin approved responsible beverage server training course (see "Training" on the department's website at revenue.wi.gov or a Wisconsin technical college course unless:

1. The person is renewing a license.
2. Within the past two years the applicant held a manager's or operator's license, or held or was agent of a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license in Wisconsin.
3. Within the past two years the person successfully completed a Wisconsin authorized training course.

B. Individual applicants for retail alcohol beverage licenses must meet the following qualifications (sec. 125.04(5)):

1. Be 21 years of age or older.
2. Does not have an arrest or conviction record subject to secs. 111.321, 111.322, and 111.335.
3. Be a continuous Wisconsin resident for at least 90 days.
4. Submit proof under sec. 77.61(11).
5. Must not be convicted of a felony, subject to secs. 111.311, 111.322, and 111.335 unless pardoned.

Note: Applicants for operators' licenses are not subject to 1, 3 and 4 above. See section I. number 9.

C. Partnerships

1. Each partner must meet all of the qualifications listed in II.A. and B.
2. Each partner must be listed on the application.

D. Wisconsin or foreign corporations, nonprofit organizations and limited liability companies (sec. 125.04(5)(c)) applying for alcohol beverage licenses.

1. All officers and directors of a corporation and members or managers of a limited liability company must meet the qualifications under 1 and 2 of II.B. Only one officer of a corporation is required under Chapter 180. Limited liability companies may have 1 or more members.
2. An agent who is responsible for all activities must be appointed. The agent must meet the qualifications listed in II.A. and B. The license is not valid until the agent has been approved by the municipal licensing authority (sec. 125.04(6)).
3. Foreign corporations are not qualified to hold "Class C" wine licenses (sec. 125.51(3m)(c)).

III. FORMS

The department will make each kind of license application that it prepares available to municipalities on its internet site at revenue.wi.gov. It is the municipality's responsibility to copy the forms and use the copies for license applications. (Note: the department does not prepare managers' and operators' license applications.)

- A. ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-106). Use for all new applicants. (Always include the AT-103 Auxiliary Questionnaire along with the AT-106.)
- B. RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-115). Use only for those applying for renewal of a license, including 6-month licenses. If there is any change in the business entity, including from an individual to a partnership or corporation/limited liability company, or if a partner is added or dropped, or if a partnership is incorporated, or limited liability company formed, an original application must be submitted on Form AT-106.
- C. AUXILIARY QUESTIONNAIRE (AT-103). Must be completed by all individuals, all partners, and all officers and directors and the agent of corporations and members or managers and agent of limited liability companies making application for a license and be attached to Form AT-106. The questionnaire must also be completed for any successor agent appointed by a corporation/limited liability company, and by all new officers and directors of corporations or new members or managers of limited liability companies applying for renewal, in which case the forms must be attached to the Form AT-115.
- D. SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION (AT-104). Must be used by all corporations, nonprofit organizations or limited liability companies when applying for an original license or whenever a new agent is appointed.
- E. TEMPORARY (PICNIC) LICENSE APPLICATION (AT-315). Must be used by bona fide clubs, chambers of commerce, churches, or organizations desiring to sell beer, and/or wine at a particular picnic or similar gathering.

IV. INFORMATION REQUIRED OF APPLICANT

The applicant must furnish all information requested and respond to all questions asked so the licensing board/council can determine if the applicant is qualified.

- A. Applicants for Retail Beer and/or Liquor Licenses.
 1. Beginning and ending dates of the licensing period must be entered.
 2. The seller's permit number must be indicated in the upper right hand corner. New applicants should contact the nearest Department of Revenue office for an application.
 3. The type of license applied for and appropriate fees must be entered in the box in the upper right hand corner.
 4. The name of the municipality and county must be entered.
 5. The type of applicant, with complete name and mailing address must be furnished. If a trade name is used it also must be furnished. **The name on the seller's permit must be the same name on the license** (see exception below); a license must not be issued in a trade name. If the alcohol beverage license is issued to a partnership or corporation, the seller's permit must be too; not to the agent, officer, or individual. If the applicant is a limited liability company (LLC) always issue the alcohol beverage license in the legal name of the LLC (not trade name or owner's name). The license must include the following. For a:
 - Partnership - the names of all partners.
 - Corporation - the name of the agent.
 - Limited Liability Company - the name of the agent.

Exception: Some alcohol beverage licenses are issued to an LLC where the business operates as a sole proprietor or single member for sales tax purposes. In such cases the LLC's seller's permit may be issued in the name of the sole proprietor or single member of the LLC. If an LLC

applies for an alcohol beverage license and furnishes a seller's permit that is not in the legal name of the LLC, call the department at (608) 266-2776 to verify whether the seller's permit is valid for the LLC.

6. A complete and accurate description of the building or buildings where alcohol beverages are to be stored, sold, or served must be furnished. The physical description on the application must be entered on the license when the application is approved.
7. All questions must be answered by the applicant and the answers evaluated by the licensing board/council to determine if the applicant is fully qualified.
8. All applications must be signed with the signatures properly notarized.

B. Auxiliary Questionnaire

1. A completed form must be attached to each original application for each individual, partner, officer, director, member, and agent.

C. Appointment of Agent (sec. 125.04(6)).

1. Must meet qualifications listed in II.A. and B. The agent must be located near enough so he or she can actively supervise the licensed premises.
2. The completed form for any newly-appointed agent must be approved by local licensing and enforcement officials.

V. RESPONSIBILITY

A. Municipalities.

1. Must ensure that required applicants have completed the responsible beverage server training course.
2. Must obtain completed application from each applicant, and record date application was filed.
3. Must obtain completed auxiliary questionnaires as described above.
4. Must obtain completed appointment of agent schedule for each new corporation or nonprofit organization or Limited Liability Company and obtain local enforcement

approval. This completed form must also be obtained for all changes of agent, which must be approved by local enforcement officials. A fee of \$10 shall be paid to the licensing authority by the corporation or limited liability company for any change of agent (sec. 125.04(6)(e)).

5. Must publish all applications as provided under sec. 125.04(3)(g). Publication is not required of temporary Class "B"/"Class B" licenses. The license applicant is required to pay the costs of publication as determined by the Wisconsin Department of Administration (DOA) for publication of legal notices, pursuant to sec. 985.08.
6. Must require applications for all alcohol beverage licenses to be filed with the clerk at least 15 days prior to action by licensing authority (sec. 125.04 (3)(f)).

Exception: This requirement does not apply to:

- (a) Municipalities in Milwaukee County.
- (b) Applications for temporary licenses under sec. 125.26(6) lasting less than four days.
7. Must enter the date the application was submitted to the licensing authority, which must then determine that each applicant is qualified before granting the license.
8. Must enter the dates the license was granted and issued, and the license must be prepared in the exact name of the applicant with the complete physical description.

9. Must send a list of licensees issued as of July 1, each year (excluding managers, operators and picnic beer/wine licensees) to the Department of Revenue by July 15th of each year. The list must include the name, address and trade name of each licensee, including provisional retail licenses, as well as the type of license held; if the licensee is a corporation or limited liability company, include the name of the agent.

B. Department of Revenue

1. May issue permits to sports clubs, airports/public facilities, vessels, breweries, brewpubs, wineries, liquor wholesalers,

beer wholesalers, manufacturers, rectifiers, and wine direct shippers. Permit fees are payable to the Department of Revenue.

VI. TRANSFERS

Transfers of licenses are allowed only in the following situations:

- A. Licenses, except for reserve "Class B" liquor and licenses issued under sec. 125.51(4)(v), may be transferred from one premise to another within a municipality (sec. 125.04(12)(a)) no more than once in a license year for \$10. A licensee who moves must file an AT-112 (Retail License Transfer) with the clerk of the municipality. These forms are available upon request from the department.
- B. Licenses may be transferred by completion of Form AT-108, at no charge during the license year from one person to a court-appointed receiver as a result of foreclosure or proceedings to avoid bankruptcy, or to a trustee when the licensee enters bankruptcy, or to the personal representative or surviving spouse upon the death of the licensee. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse 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 (sec. 125.04(12)(b)).
- C. Licenses may be transferred by completion of Form AT-108, at no charge from one partner to another if a partner dies during the license year and the deceased's equity is assigned to a surviving or new partner.

VII. SIX MONTH LICENSES

- A. A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.26(5)).
- B. Six-month "Class A" or "Class B" intoxicating liquor and "Class C" wine licenses may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.51(9)(b)).

VIII. FEES

Annual fees are determined by the municipality up to the maximum amount listed below.

- A. Provisional Retail License – \$15 (sec. 125.185).
- B. Beer Class "A" retailer licenses – any amount set by the licensing authority (sec. 125.25(4)). Shall be prorated on the basis of the number of months remaining in license year.
- C. Beer Class "B" retailer licenses – \$100 maximum per year. Shall be prorated on the basis of the number of months remaining in the license year (sec. 125.26(4) and (5)).
- D. Temporary Class "B" (beer) licenses – \$10 (sec. 125.26(6)).
- E. Temporary "Class B" (wine) licenses – may not exceed \$10. No fee may be charged if the applicant is also applying for a temporary Class "B" license for beer (sec. 125.51(10)(a)).
- F. Wine "Class C" retailer licenses – \$100 maximum (sec. 125.51(3m)(e)). Shall be prorated on the basis of the number of months remaining in license year.
- G. "Class A" intoxicating liquor – minimum \$50 and maximum \$500 (sec. 125.51(2)(d)). Shall be prorated on the basis of the number of months remaining in the licensing period (secs. 125.51(2)(d) and (9)(a)).
- H. "Class B" intoxicating liquor – minimum \$50 and maximum \$500 (sec. 125.51(3)(e)1). RESERVE "Class B" intoxicating liquor – minimum \$10,000 initial fee (sec. 125.51 (3)(e) 2) plus a fee between \$50 and \$500. RENEWAL FEE – between \$50 and \$500. RESTAURANT/HOTEL under (sec. 125.51 (4)(v) – annual initial and renewal fees established locally. Shall be prorated on the basis of the number of months remaining in the licensing period (sec. 125.51 (9)(a)). Minimum fee shall not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.
- I. Operator's licenses – any amount set by the licensing authority (sec. 125.17(3)).
- J. Cigarette and Tobacco Products License – \$5-\$100 (sec. 134.65). Clerks approve and issue the license.

- K. Beer & Liquor statutes contain no provisions about refunds of license fees.
- L. Agent change – \$10 (sec. 125.04 (6)(e)).
- M. Licensees must file a Special Occupational Tax return (SOT) with the National Revenue Center (1-800-937-8864) (Temporary Class "B"/"Class B" licenses are exempt.)

liquor sec. 125.69(1)(a), "Class B" liquor sec. 125.69(1)(b)).

- H. Class "B" licenses may not be issued to brewers or beer wholesalers. Wholesale beer permits may not be issued to persons holding a Class "B" license or permit or to persons who have any ownership interest in a premises operating under a Class "B" license or permit (sec. 125.26(2) and 125.28(2)).

IX. RESTRICTIONS

- A. A "Class B" intoxicating liquor license cannot be issued unless the applicant holds or has applied for a Class "B" fermented malt beverage license (sec. 125.51 (3)(f)), except to a winery.
- B. No retail fermented malt beverage license may be issued to any applicant indebted for the purchase of beer in excess of 15 days (sec. 125.33(7)(b)).
- C. No retail intoxicating liquor license may be issued to any applicant indebted for the purchase of intoxicating liquor in excess of 30 days (sec. 125.69(4)(b)).
- D. A "Class A" intoxicating liquor license cannot be issued for the same or connecting premises as a Class "B" beer, "Class B" intoxicating liquor or "Class C" wine license unless it qualifies as a hotel (sec. 125.51(8)). There is no provision for the issuance of a Class "A" beer and a Class "B" beer license for the same premises.
- E. Except as provided, no retail "Class B" intoxicating liquor license may be issued in excess of a municipality's quota (sec. 125.51 (4)).
- F. No retail "Class B" liquor license may be issued for a premises which does not meet the standards of the Department of Health Services (DHS) for restaurants (sec. 125.68(5)).

Note: Effective July 1, 2016, the regulation and inspection of restaurants and lodging facilities is transferred from DHS to the Department of Agriculture Trade and Consumer Protection (DATCP).

- G. No retail liquor licensee may have any interest in a wholesale liquor establishment. No liquor wholesaler may have any interest in any retail liquor establishment ("Class A"

- I. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This restriction 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 sec. 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.

The restriction does not apply to the consumption of fermented malt beverages on commercial quadricycles, except in municipalities that have adopted ordinances prohibiting consumption of fermented malt beverages on commercial quadricycles.

"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 recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

J. Wine or Beer Walks:

- 1. A "wine or beer walk" is a single-day event at which customers are served a glass of beer or wine at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores, etc.) during their shopping visits.
- 2. Effective October 23, 2015, Wisconsin law (2015 Wisconsin Act 62) authorizes a municipality to issue Temporary Class "B" (beer) licenses and Temporary "Class B" (wine only) licenses to a qualified organization, including a chamber of commerce or similar civic or trade organization organized under chapter 181

of the Wisconsin statutes to promote economic growth and opportunity within a local geographical area.

3. Single-Day, Multiple-Location Event

a) WINE EVENT: A municipality may issue to a qualified organization up to 20 Temporary "Class B" (wine only) licenses for a single-day, multiple-location event (commonly referred to as a "wine walk") on a specific date and time.

- i. The Temporary "Class B" (wine only) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
- ii. The Temporary "Class B" (wine only) licenses must be issued for the same date and time
- iii. An admission fee must be charged for participation in the event and no additional fee can be charged for the wine
- iv. A municipality may authorize the licensee to permit unaccompanied underage persons to be on the licensee's premise only if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee
- v. No person may serve wine after 9:00 p.m. on premises for which Temporary "Class B" (wine only) licenses are issued for a single-day, multiple-location event
- vi. A qualified organization may receive Temporary "Class B" (wine only) licenses for up to two events during a 12-month period, and a municipality may issue Temporary "Class B" (wine only) licenses for a total of up to two events during a 12-month period

b) BEER EVENT: A municipality may issue to a qualified organization Temporary Class "B" (beer) licenses for a single-day, multiple-location event

(commonly referred to as a "beer walk") on a specific date and time.

- i. The Temporary Class "B" (beer) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
 - ii. The Temporary Class "B" (beer) licenses must be issued for the same date and time
 - iii. An admission fee must be charged for participation in the event and no additional fee can be charged for service of the beer
 - iv. Municipalities may authorize a Temporary Class "B" (beer) licensee to permit underage persons on the premises for which a beer license is issued
 - v. There is no limit to the number of Temporary Class "B" (beer) licenses a municipality may issue to a qualified organization
- c) A municipality is authorized to charge a fee not exceeding \$10 for each Temporary Class "B" (beer) or Temporary "Class B" (wine only) license issued for the single-day, multiple-location event.
- d) Requirements applying to other alcohol beverage licensees also apply to Temporary "Class B" (wine only) and Temporary Class "B" (beer) licensees. Some of these requirements include:
- i. The presence of licensed operators to serve the wine or beer and/or supervise the service of wine or beer. Licensed operators are persons holding an "operator's license", often called a "bartender's license". Temporary operator's licenses may be issued to persons employed by or donating services to the qualified organization for the event. A person may hold two temporary operator licenses per year.
 - ii. Licensees must purchase all wine or beer from liquor or beer wholesalers or breweries/brewpubs

authorized to self-distribute to retail licensees.

4. Applications for Temporary Class "B" (beer) or Temporary "Class B" (wine only) licenses to hold a single-day, multiple-location event should be submitted to the municipality by the qualified organization using the *Application for Temporary Class "B" / "Class B" Retailer's License* (Form AT-315). The qualified organization should list each of the participating locations, describing the premises, or submit a separate application for each of the multiple locations participating in the single-day, multiple-location event. Either method of submitting license applications is acceptable.

Wisconsin Alcohol Beverage and Tobacco Laws for Retailers

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IMPORTANT CHANGES

2015 Act 55 (effective July 14, 2015) provides that municipalities shall issue a "Class A" (cider only) liquor license if the license applicant also holds a Class "A" (beer) license for the same premises, and limits its sale of intoxicating liquor to cider only. The municipality may not charge an initial issuance fee for a "Class A" (cider only) license. See the definition of cider on page 3.

2015 Act 62 (effective October 23, 2015) authorizes a municipality to issue temporary Class "B" (beer) licenses and temporary "Class B" (wine only) licenses to a qualified organization, including a chamber of commerce or similar civic or trade organization organized under chapter 181 of the Wisconsin statutes to promote economic growth and opportunity within a local geographical area. New guidance regarding wine or beer walks is provided in section XV on page 8.

I. INTRODUCTION

This publication provides information about state alcohol beverage and tobacco laws that affect you as a retailer.

Most of the laws outlined in this publication are found in Chapter 125 and sections 134.65 and 134.66 of the Wisconsin Statutes.

Municipalities also may enact additional regulations affecting your business. You should contact your local municipal clerk if you have questions about local ordinances.

For more information on state alcohol beverage and tobacco laws, write to the Wisconsin Department of Revenue, Alcohol & Tobacco Enforcement, P.O. Box 8933, Madison, WI 53708 or call (608) 266-2776.

CAUTION

- The information in this publication reflects the position of the Wisconsin Department of Revenue of laws enacted by the Wisconsin legislature as of December 1, 2015. Laws enacted after this date, administrative rules, and court decisions may change the interpretations in this publication.
- The examples and type of sales and purchases provided in this publication are not all-inclusive. They merely set forth common examples.

II. DEFINITIONS

Adult – A person who is 18 years of age or older.

Minor – A person who is under 18 years of age.

Legal Drinking Age – 21 years of age.

Underage Person – A person who is not of legal drinking age.

Beer – A fermented malt beverage containing .5% or more of alcohol by volume.

Cider - an alcohol beverage that is obtained by 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. (Effective January 1, 2016)

Intoxicating Liquor (Or Liquor) – All alcohol beverages (other than beer) containing .5% or more alcohol by volume, and all wines.

Alcohol Beverages – A statutory term which includes beer, wine, and liquor.

Provisional Retail License

1. A municipal governing body that issues licenses shall issue provisional retail licenses. The governing body may by ordinance establish standards under which the licenses shall be issued and shall by ordinance designate the municipal official having the authority to issue the provisional license.

2. The provisional retail license may be issued only to a person applying for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine.
3. The fee shall be determined locally but may not exceed \$15.
4. The license will expire 60 days after issuance or when the person has been issued a license as listed under 2. The official who issued the provisional retail license may revoke the license if he or she discovers the holder made a false statement on the application.
5. A municipality may not issue a provisional "Class B" liquor license if the municipality's quota is filled.
6. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

Class "A" Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers, in the original sealed container, for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. No beer sales between 12 midnight and 6:00 a.m.
4. Local ordinances may further restrict these hours.
5. May furnish customers with two 3 fluid ounce taste samples of beer between 11:00 a.m. – 7:00 p.m.

"Class A" Liquor License – Authorizes the retail sale of liquor and wine, in the original sealed container, for consumption off the licensed premises. A "Class A"(cider only) license authorizes the retail sale of cider, and shall be issued to a license applicant holding a Class "A" (beer) license for the same premise. The sale of intoxicating liquor is limited to cider only. Municipalities may not charge an initial issuance fee for a "Class A" (cider only) license, but publication of the "Class A" (cider only) license application is required and the license applicant shall pay the cost of publication of the license application.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. May not sell intoxicating liquor and wine between 9:00 p.m. - 6:00 a.m.
4. Local ordinances may further restrict these hours.
5. May furnish customers with two 3 fluid ounce taste samples of wine between 11:00 a.m. – 7:00 p.m.

Class "B" Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers for consumption on the licensed premises and for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. Must be closed between the following hours:
 - a) Monday - Friday – 2:00 a.m. - 6:00 a.m.
 - b) Saturday - Sunday – 2:30 a.m. - 6:00 a.m.
 - c) Second Sunday in March – 3:30 a.m. – 6:00 a.m.
 - d) New Year's Eve – No closing required.
 - e) Local municipalities may NOT further restrict the closing hours.
4. No off-premises sales between 12:00 midnight - 6:00 a.m. Local ordinances may further restrict these sales hours.

"Class B" Liquor License – Authorizes the retail sale of liquor by the drink for consumption on the licensed premises and (if allowed by local ordinance) in the original sealed container for off-premises consumption.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale;
2. Off-premises sales of liquor, when permitted by local ordinance, limited to 4 liters or less;

3. Wine may be sold in the original package, in any quantity, for on and off-premises consumption.
4. Closing hours the same as Class “B” License, above.
5. A winery that has a “Class B” (wine only) license issued under s. 125.51(3)(am) must close between 9:00 p.m. and 8:00 a.m.

“Class C” Wine License – Authorizes the retail sale of wine by the glass or in an opened original container for consumption on premises only.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale.
2. Closing hours the same as Class “B” License, above.

Notice - With limited exceptions, all retailers of alcohol beverages may only sell to consumers who are physically at the licensed premises.

For example:

- (1) A customer phones in an order to a local pizza parlor (that holds a Class B beer license) to have a pizza and a six pack of beer delivered to his home – this sale is prohibited, as the sale was not made face-to-face to the consumer at the licensed premises
- (2) A group of college students call their local liquor store and ask that 6 half barrels of beer be delivered to their house for a party – this sale is prohibited, as the sale was not made face-to-face to the consumers at the licensed premises.

III. ALCOHOL BEVERAGE LAW

A. Closing Hours

1. Customers must leave the premises by the closing hour; internal business operations (counting cash, cleaning, repairs, etc.) may be done after hours but licensees must be able to prove that

anyone on the premises after hours is there for these purposes.

2. Hotels and restaurants whose “principal business” is furnishing lodging and food to customers, bowling centers, indoor horseshoe pitching facilities, golf courses, and curling clubs may remain open after hours to conduct their regular business. They may not permit consumption of or sell alcohol beverages after hours.

“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.

B. Daylight Saving Time

Section 175.095(2), Wis. Stats., states that daylight saving time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November.

As such, clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Thus taverns would close at 3:30 a.m. daylight saving time on this date.

On the first Sunday in November, the clocks are set back an hour at 2:00 a.m.; bars gain an extra hour and must close at 2:30 a.m. regular Central Standard Time.

C. Training Requirements For Completion Of The Responsible Beverage Server Training Course (Required As A Condition Of Licensing)

Applicants must successfully complete an approved training course, such as courses offered by the Wisconsin Technical College System, or similar approved courses (see “Training” on the department’s web side at revenue.wi.gov) unless:

1. The person is renewing a retail or an operator’s (bartender’s/sales clerk’s) license.

2. The person was the agent (within the last two years) for a corporation that held a Class “A” beer, Class “B” beer, “Class A” liquor, “Class B” liquor or “Class C” wine license.
3. The person held a retail license or an operator’s or manager’s license during the past two years.
4. The person completed such a course within the past two years.

IV. LICENSING

A license is a **privilege** granted by local authorities to a particular person, partnership, or corporation to run a particular place for the time period specified. Just as one’s driver’s license can’t be used by another, an alcohol beverage license can’t be used by someone other than the licensee to sell alcohol beverages. The license or permit of a person who violates this shall be revoked. The governing body of every city, village, and town may, **but is not required to**, issue local retail liquor and beer licenses. The municipality may refuse to issue licenses as long as it uses good judgment and does not discriminate between applicants.

V. SALE OF ALCOHOL BEVERAGES

The term “sale,” “sold,” or “sell” includes the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or transaction whatever, whereby alcohol beverages may be obtained. Giving away alcohol beverages or using any other device to evade the law relating to its sale is an unlawful sale.

The following are some examples of illegal transactions at **unlicensed** premises:

1. A “free” drink with a meal;
2. A cover charge, whereby mix is furnished at a price, with “no charge” for liquor;
3. A “free” bottle of liquor tied into the sale of some other item.

Penalty: Fine of not more than \$10,000 or imprisonment for not more than nine months, or both.

VI. SELLER’S PERMIT

- A. Every individual, partnership, corporation, or other organization selling tangible personal property in Wisconsin must have a seller’s permit.
- B. The alcohol beverage license and seller’s permit must be in the same legal name (see exception below). If the alcohol beverage license is issued to a partnership or corporation, the seller’s permit must be too; not to the agent, officer, or individual. When dealing with a limited liability company (LLC) always issue the alcohol beverage license in the legal name of the LLC (not trade name or owner’s name).

Exception: Some alcohol beverage licenses are issued to an LLC where the business operates as a sole proprietor or single member for sales tax purposes. In such cases the LLC’s seller’s permit may be issued in the name of the sole proprietor or single member of the LLC. If an LLC applies for an alcohol beverage license and furnishes a seller’s permit that is not in the legal name of the LLC, call the department at (608) 266-2776 to verify whether the seller’s permit is valid for the LLC.

Write... Wisconsin Department of Revenue
Mail Stop 5-77
PO Box 8949
Madison, WI 53708-8949

Phone... (608) 266-2776

Email... DORSalesandUse@revenue.wi.gov

Visit our website: revenue.wi.gov

VII. FEDERAL TAX STAMP

Before beginning business every retail licensee must file an Alcohol Dealer Registration with the federal Department of Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB). Use TTB Form 5630.5d. This form is available from the TTB website at: ttb.gov/forms/f56305d.pdf or by calling the National Revenue Center at 1-800-937-8864. Once you have registered your business, any change in your business operation must be reported before the subsequent July 1, using the same form.

VIII. LICENSES FRAMED AND POSTED

All liquor and beer licenses must be framed and posted in the room where the business is carried on. Everyone visiting the business must be able to easily see the licenses in that room. Any related permits and licenses should be posted with the alcohol beverage license.

IX. REQUIRED ONSITE SUPERVISION OF LICENSED PREMISES

- A. Except in Class “A” beer premises between midnight and 6:00 a.m. (or any time when the sale of fermented malt beverages is prohibited by municipal ordinance), one of the following must be present on all licensed premises during all business hours:
1. The licensee, or;
 2. An adult member of licensee’s immediate family (actually living in the licensee’s household), or;
 3. The corporation agent, (the agent’s immediate family members must have an operators’ license, if they supervise the premises in the agent’s absence), or;
 4. The holder of a provisional operator’s license (issued to persons enrolled in the responsible beverage server training course pending approval of an operator’s license by the municipal governing body), or;
 5. The holder of an operator’s or manager’s license.
- B. An adult working under the immediate supervision of any of the above does not need an operator’s license. **NOTE:** “Immediate supervision” means that the licensed person must be able to watch and supervise each unlicensed person’s actions. This means that the licensed person must be in the same room or area as the unlicensed person, near enough to see and talk to him or her, and to be able to actually supervise the unlicensed person.
- C. An operator’s license is good in any premises in the municipality where it has been issued, but it may be used only in that municipality. Licensees may be

prosecuted for not having the required supervision on their premises.

X. SALE TO INTOXICATED PERSONS

It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is \$100-\$500 fine, imprisonment for not more than 60 days, or both.

XI. REFILLED LIQUOR BOTTLES

- A. It is illegal to refill any liquor bottle; you may not pour any substance into a liquor bottle, even the same brand of liquor.
- B. When a bottle is empty, deface its label and break the bottle. If the bottle has a Wisconsin tax stamp, deface this, too.
- C. You don’t have to break bottles saved for recycling; however, the labels must be defaced. Bottles saved for recycling must be placed in boxes marked “For Recycling Only.”
- D. You do not have to break empty ceramic decanters, but you must deface the tax stamp, if any.

XII. IDENTIFICATION REGISTER

- A. The Department of Revenue recommends that every licensee keep an identification register book. The ID register may be used to record the identity of a person who alleges he or she is of legal drinking age. The book may also be used to record the identity of a person who alleges that he or she is an underage person’s parent, guardian, or spouse and that he or she has attained the legal drinking age. Record the date of purchase, the type of identification used, and the address of the purchaser, then have the purchaser sign the register. Check the signature in the book against the signature on the ID to see that they match.
- B. The “Proof of Age Register” or “Identification Register Book” may be purchased, at a small fee, from:
1. Tavern League of Wisconsin, 2817 Fish Hatchery Road, Fitchburg, WI, 53713-5005, phone: (608) 270-8591, email: info@tlw.org.

2. Wisconsin Grocers Assn., One S. Pinckney, Ste. 504, Madison, WI, 53703, phone: (608) 244-7150, email: sdecorah@wisconsingrocers.com.

XIII. PRESERVATION OF RECORDS

Alcohol beverage (and cigarette and tobacco products) retailers must purchase these products only from **Wisconsin wholesalers**. They may not be transferred between retail accounts, except that alcohol beverages may be transferred as specified in "Transfer of Alcohol Beverage Stock," below.

Keep invoices for all purchases of liquor, beer, (and cigarettes and tobacco products) on the licensed premises for 2 years from the date of the invoice. Keep them in sequence and in chronological order. They must be available for inspection during business hours.

XIV. TRANSFER OF ALCOHOL BEVERAGE STOCK

If you sell your business, you may transfer your sealed liquor, wine and beer stock to another retail licensee in this state. List your entire sealed stock on an inventory Form AT-900 available at the Department of Revenue's website at revenue.wi.gov. Complete this form in duplicate, sign it, and have it signed by the buyer. Give one copy to the buyer, to be kept as an invoice on the licensed premises, and keep one copy for your own records. Cigarettes and tobacco products may not be transferred.

XV. "WINE OR BEER WALKS"

- A. A "wine or beer walk" is a single-day event at which customers are served a glass of beer or wine at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores, etc.) during their shopping visits.
- B. Effective October 23, 2015, Wisconsin law (2015 Wisconsin Act 62) authorizes a municipality to issue Temporary Class "B" (beer) licenses and Temporary "Class B" (wine only) licenses to a qualified organization, including a chamber of commerce or similar civic or trade organization or-

ganized under chapter 181 of the Wisconsin statutes to promote economic growth and opportunity within a local geographical area.

C. Single-Day, Multiple-Location Event

1. WINE EVENT: A municipality may issue to a qualified organization up to 20 Temporary "Class B" (wine only) licenses for a single-day, multiple-location event (commonly referred to as a "wine walk") on a specific date and time.
 - a. The Temporary "Class B" (wine only) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
 - b. The Temporary "Class B" (wine only) licenses must be issued for the same date and time
 - c. An admission fee must be charged for participation in the event and no additional fee can be charged for the wine
 - d. A municipality may authorize the licensee to permit unaccompanied underage persons to be on the licensee's premise only if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee
 - e. No person may serve wine after 9:00 p.m. on premises for which Temporary "Class B" (wine only) licenses are issued for a single-day, multiple-location event
 - f. A qualified organization may receive Temporary "Class B" (wine only) licenses for up to two events during a 12-month period, and a municipality may issue Temporary "Class B" (wine only) licenses for a total of up to two events during a 12-month period
2. BEER EVENT: A municipality may issue to a qualified organization Temporary Class "B" (beer) licenses for a single-day, multiple-location event (commonly referred to as a "beer walk") on a specific date and time.

- a. The Temporary Class "B" (beer) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
 - b. The Temporary Class "B" (beer) licenses must be issued for the same date and time
 - c. An admission fee must be charged for participation in the event and no additional fee can be charged for service of the beer
 - d. Municipalities may authorize a Temporary Class "B" (beer) licensee to permit underage persons on the premises for which a beer license is issued
 - e. There is no limit to the number of Temporary Class "B" (beer) licenses a municipality may issue to a qualified organization
3. A municipality is authorized to charge a fee not exceeding \$10 for each Temporary Class "B" (beer) or Temporary "Class B" (wine only) license issued for the single-day, multiple-location event.
 4. Requirements applying to other alcohol beverage licensees also apply to Temporary "Class B" (wine only) and Temporary Class "B" (beer) licensees. Some of these requirements include:
 - a. The presence of licensed operators to serve the wine or beer and/or supervise the service of wine or beer. Licensed operators are persons holding an "operator's license", often called a "bartender's license". Temporary operator's licenses may be issued to persons employed by or donating services to the qualified organization for the event. A person may hold two temporary operator licenses per year.
 - b. Licensees must purchase all wine or beer from liquor or beer wholesalers or breweries/brewpubs authorized to self-distribute to retail licensees.

- D. Applications for Temporary Class "B" (beer) or Temporary "Class B" (wine only) licenses to hold a single-day, multiple-location event should be submitted to the municipality by the qualified organization using the *Application for Temporary Class "B" / "Class B" Retailer's License* (Form AT-315). The qualified organization should list each of the participating locations, describing the premises, or submit a separate application for each of the multiple locations participating in the single-day, multiple-location event. Either method of submitting license applications is acceptable.

XVI. CORKAGE FEES

Corkage Fees: Wisconsin alcohol beverage law does not allow "corkage fees" – fees charged by restaurant owners to allow patrons to carry in their own alcohol beverages to be consumed on the premises.

If the restaurant does have an alcohol beverage license, the only alcohol beverages allowed on the premises are those which the retailer has purchased from a licensed Wisconsin wholesaler; the retailer is required to have invoices from the wholesaler showing what product the retailer has purchased from the wholesaler.

If the restaurant does not have an alcohol beverage license, allowing consumption of alcohol beverages is prohibited and the restaurant owner can be charged for allowing its illegal consumption.

XVII. CREDIT LAWS

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed 30 days (liquor) or 15 days (beer). Licensees may not buy liquor if they are in debt to any liquor wholesaler for more than 30 days, or beer if they are in debt to any beer wholesaler for more than 15 days. A person may not be issued a license if he or she exceeds these limits.

XVIII. INSPECTION OF LICENSED PREMISES

- A. Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All rooms connected

to the barroom, sales room, or storage area may be inspected as part of the licensed premise. Refusing to permit an inspection is grounds for revocation or suspension of the license.

- B. Liquor, beer, cigarettes, and personal property kept in violation of the statutes may be seized.

XIX. UNDERAGE PERSONS ENTERING LICENSED PREMISES

- A. An underage person accompanied by his or her parent, guardian, or spouse of legal drinking age may be on any licensed premises.
 - B. An unaccompanied underage person may enter a Class A alcohol beverage licensed premises to buy items other than alcohol beverages. The underage person may not stay on the premises after the purchase.
 - C. An unaccompanied underage person may also enter a licensed premises if:
 - 1. He or she is an employee, resident, lodger, or boarder on the premises, or;
 - 2. He or she enters to do business other than amusement or the purchase or consumption of food and beverages (see exception B above), or;
 - 3. He or she enters to buy food in a restaurant whose "principal business" is serving food, or;
 - 4. The premises is a hotel, drug store, grocery, bowling center, service station, indoor golf simulator facility, vessel, private tennis or soccer club, ski chalet, golf course or clubhouse, racetrack licensed under ch. 562, indoor or outdoor volleyball court, curling club, billiards center having 12 or more billiards tables, privately owned fishing business that is open to the public for a fee, car operated on a railroad, a regularly established athletic field or a county or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats., of the statutes, or a center for visual or performing arts, or;
 - 5. The premises is in a state park or forest or a park owned by an agricultural society receiving state aid.
- 6. The premises has a Class "B" beer or "Class B" liquor license and the underage person is there to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished or possessed.
 - 7. The premises has a Class "B" beer or "Class B" liquor license and the underage person is in a room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present. This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (Sec. 125.07(3)(a)(8), Wis. Stats.)
 - 8. The underage person is on Class "B" or "Class B" licensed premises, on a date specified by the license, when no alcohol beverages are consumed, sold, or given away. The licensee, the agent named on the license (if a corporation), or a person with an operator's license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, of when underage persons will be on the premises. (Sec. 125.07(3)(a)(10), Wis. Stats.)
 - 9. The underage person enters and remains in a dance hall, or banquet or hospitality room attached to a Class B licensed premises, for the purpose of attending a banquet, reception, dance or other similar event.
 - 10. The underage person is at least 18 years old, and is working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.
 - 11. The premises is issued a temporary Class "B" (picnic) beer license and the licensee is authorized to permit underage persons on the premises by the official or body of the municipality that issued the license, or, the premises is licensed as a temporary "Class B" (wine only) license and the licensee is authorized to permit unaccompanied underage persons, acting as

designated drivers, who are provided a means of identification by the licensee, such as a wristband to be on the licensee's premise.

Note: When the purpose of the above exemptions (that is, bowling, dining, recreation, etc.) can be accomplished without the underage person being in the barroom or other areas where alcohol beverages are sold or consumed, the underage person may not enter or remain in such areas (State vs. Ludwig Lanes, 31 Wis. 2nd 690).

- D. No retail licensee may permit an underage person, not accompanied by a parent, guardian, or spouse of legal drinking age, to enter any part of the licensed premises for any purpose except those stated on pages 10 and 11.
- E. You should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Wisconsin residents may prove age with either a valid Wisconsin identification card or a pictured Wisconsin driver's license. You or your employee should require anyone who has shown proof of legal drinking age to sign an ID register book, if the person's age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (Sec. 125.07(7), Wis. Stats.)

XX. SALES AND SERVICE OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS

An underage person accompanied by a parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises. (Sec. 125.07(1), Wis. Stats.)

XXI. POSSESSION OF ALCOHOL BEVERAGES BY UNDERAGE PERSONS

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or spouse of legal drinking age (sec. 125.07(4)(b)). This does not apply to underage persons employed by the

following types of licensees or permittees, in the course of this employment: (sec. 125.07(4)(bm), Wis. Stats.)

- A. Brewers
- B. Beer wholesalers
- C. Liquor wholesalers
- D. Facilities for the production of alcohol fuel
- E. Retail licensees or permittees, under the provisions of secs. 125.32(2) and 125.68(2), Wis. Stats., (laws covering operator's licenses), or for delivery of unopened containers to the home or vehicle of a customer.
- F. Campuses, if the underage person is at least 18 years of age and is under the immediate supervision of a person of legal drinking age.

XXII. NONALCOHOL "BEER"

Section 125.02, Wis. Stats., classifies "alcohol beverages" as those beverages containing 0.5% or more alcohol by volume. Beverages that contain less than 0.5% alcohol by volume are not classified as "alcohol beverages". Thus, these "nonalcohol" beverages are not regulated by Chapter 125; they are to be treated the same as other noncarbonated waters and sodas, and may be sold to anyone, regardless of age.

These beverages should not be confused with those labeled "low alcohol" (L.A.), which generally contain 3.2% alcohol, and are regulated by Chapter 125 as being alcohol beverages.

XXIII. EMPLOYMENT OF MINORS

- A. Minors under 14 years of age may not be employed where alcohol beverages are sold except that minors as young as 12 may be employed at such establishments if their parents own the business.
- B. Minors 14 and older may be employed where alcohol beverages are stored, sold, or served if they are not serving, selling, dispensing, or giving away alcohol beverages. This applies to all places licensed to sell alcohol beverages, including stores, service stations, bars, and restaurants.

C. Minors may not be employed or appear as musicians, singers, performers, or dancers at roadhouses, dance halls, night clubs, taverns, or similar places, except:

1. Minors 16 or 17 years of age may be employed or appear as musicians in a hall on Friday, Saturday, or any other day not followed by a school day, or before midnight on Sunday, if the hall was rented to celebrate a special event such as a wedding, holiday, birthday, or anniversary.
2. Minors may be so employed or appear at dances held solely for minors, conducted by private clubs or civic organizations, where admission is limited to the club membership or by club invitation, and the general public is excluded. (Sec. 103.78, Wis. Stats.).

(Sec. 103.78(1)(d), Wis. Stats., and Wis. Adm. Code DWD 270.)

XXIV. OTHER LAWS RELATING TO UNDERAGE PERSONS

- A. No one may falsely represent that he or she is of legal drinking age to ask for or obtain alcohol beverages in any licensed premises. (Sec. 125.07(4), Wis. Stats.)
- B. No one may possess or consume alcohol beverages in a public, parochial, or private school, through 12th grade, or in a vehicle owned by, rented, or consigned to a school or while participating in a school activity, without the express, written permission of the school administrator (sec. 125.09(2), Wis. Stats.) Permission may not be given to underage persons.
- C. A licensed alcohol beverage retailer may bring a civil action against a person who violates the state's underage drinking law, if the following conditions are met:
 - The conduct must occur on the retailer's premises
 - The retailer must mail notice of the intent to bring action to the underage person or the

underage person's parent, as applicable at least 15 days prior to filing the action

- The retailer must not have been convicted of, received a citation for, or been charged with a violation of the underage drinking law
- The retailer must have reported the suspected conduct to law enforcement at or near the time when the conduct was first discovered

This provision does not apply if the underage person was employed by or assisting a law enforcement agency in carrying out enforcement to determine compliance with, or investigating potential violations of the prohibition on underage persons in licensed premises. A retailer prevailing in the civil action shall be awarded \$1,000 in damages and the costs of bringing the civil action. (Sec. 125.07(4)(f), Wis. Stats.)

XXV. PENALTIES FOR VIOLATIONS

- A. Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500. (Sec. 125.07(3), Wis. Stats.)
- B. An unaccompanied underage person unlawfully entering a licensed premises is subject to a forfeiture of not less than \$250 nor more than \$500, suspension of his or her motor vehicle operating privilege as provided under sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program, or a combination of these penalties.
- C. A person selling or furnishing alcohol beverages to an unaccompanied underage person is subject to a forfeiture of not more than \$500 if the person has not committed a previous violation within 30 months of the violation nor more than \$500 or imprisoned not more than 30 days or both for a subsequent offense within 30 months of the violation. (Sec. 125.07(1), Wis. Stats.)
- D. An underage person misrepresenting his or her age to obtain alcohol beverages is subject to the same penalties described in B. above.

- E. Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.) except that disposition in the proceedings against an underage person shall be as provided by ss. 48.344 and 125.07(4)(c) and (d), Wis. Stats..
- F. The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats. shall be suspended for:
1. Not more than 3 days if a second violation is committed within 12 months of a previous violation.
 2. Not less than 3 days nor more than 10 days if a third violation is committed within 12 months of two previous violations.
 3. Not less than 15 days nor more than 30 days if a fourth violation is committed within 12 months after committing three other violations.
2. Makes, alters, or duplicates an official ID card.
 3. Gives false information in applying for an official ID card.
 4. Intentionally carries an ID card or other documentation showing that he or she is of legal drinking age, knowing that the documentation is false.
 5. Provides to another underage person an official ID card or other documentation claiming that the other underage person is of legal drinking age, knowing that the documentation is false.
- C. Any person who violates “A,” above, for money or other consideration is guilty of a Class I felony.

XXVI. FALSE ID CARDS - PENALTIES

- A. Anyone other than a person authorized by sec. 25.085, Wis. Stats., or sec. 343.50, Wis. Stats., who makes, alters, or duplicates an official identification (“ID”) card, provides an official ID card to an underage person, or knowingly provides other documentation to an underage person claiming that the underage person is of legal drinking age may be fined not less than \$300 nor more than \$1,250 or imprisoned not less than ten days nor more than thirty days, or both.
- B. Any underage person who does any of the following may be penalized. For a first violation, a forfeiture of \$300 - \$1,250, suspension of the person’s driving privilege, participation in a supervised work program, or any combination of these penalties.
1. Intentionally carries an official ID card not legally issued to him or her, an official ID card obtained under false pretenses, or an official ID card which has been duplicated to give false information.

XXVII. ID/DL CHECKING GUIDE

A. False ID/DL Checking Guide

- Ask pertinent questions about the ID presented. For example, if an ID card is presented as proof of age, ask how the driving was on the way to the establishment. If the person was driving, ask to see his DL.
- Check the card’s expiration date. If the DL has expired, maybe it really does not belong to the holder, but to an older sibling who has already got a replacement for it. How did he/she get to the establishment - drive, using an expired DL?
- Watch for stamp of “duplicate” on the card. If they have a duplicate, maybe someone else has the original, and one of them is lying.
- People with false IDs rarely carry backup documentation, whereas most people have several forms. When confronted with a possible false ID, ask for further documentation.
- Question the carrier as to some basic information on the card, such as address, exact birth date, middle initial, or spelling of last name. If they don’t answer to your satisfaction, refuse service and request that they immediately leave.

B. Things to look for:

- Glue lines.

- Bumpy surfaces by the picture or birth date. Any surface area inconsistent with the rest of the ID usually indicates tampering.
- Overlay of reprinted numbers (and a shadowy or cloudy image). ID card may have been opened to alter numbers.
- Missing spots on the state logo. ID alterers often forget to pay attention to one of the most obvious clues on the card.
- Comparison to legitimate DL or ID. Letters and numbers; size of lettering; format of the card. How may digits for expiration and date of birth?
- Use a blacklight and magnifying glass to check for security features such as ultraviolet/micro-printing on the DL or ID.
- Check reverse side lettering. Oftentimes counterfeiters will spend great amounts of time on reproducing an authentic-looking photoboard, but will merely photocopy the reverse side. These are often blurred, a sure sign of photocopying.
- Bend the card, feel it. How does it feel compared to the authentic card?
- What is the color of card?
- Check the size of the DL. How does it compare to a genuine one?
- Check the color/thickness and clarity of lettering.
- Check thickness of the card.
- Check the corners of the card. Are they well-rounded and smooth or uneven and jagged? This is one of the best methods for detecting counterfeit cards.
- Is there shading or glare on the picture or redness in eyes? Most driver licensing stations have their cameras set to avoid these problems.
- Use an ID Checking Guide, especially in areas where there is a heavy out-of-state population (colleges, tourist communities). There are several commercial companies that publish these guides, which picture all of the states' driver's licenses.

- Consistency with the numbers. These are often targets for alteration experts. Look closely, because they may really be altered.
- Always check the reverse side.
- Compare questionable document to the "standard", your own driver's license. Check letters and numbers, both for size and consistency against the authentic card.
- Check the laminate. How does it compare to the authentic? Is it clear or cloudy?

XXVIII. CIVIL LIABILITY FOR RETAINING ID

Civil Liability for retaining proofs of age. (Sec. 125.039, Wis. Stats.).

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 law enforcement of a suspected violation of carrying a false ID.

XXIX. CIGARETTE/TOBACCO PRODUCTS LAWS

A. Definitions:

- Cigarette - any roll of tobacco wrapped in paper or any substance other than tobacco.
- Nicotine Product – means a product that contains nicotine and is not any of the following:
 1. A tobacco product.
 2. A cigarette.
 3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.

- Tobacco products means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under s. 139.30 (1m).
 - Adult - a person who is 18 years of age or older.
 - Minor - a person who is under 18 years of age.
- B. License Required - You may not in any manner or upon any pretense or by any device, directly or indirectly sell, expose for sale, possess with intent to sell or give away any cigarettes or tobacco products to any person not holding a license or permit under sec. 139.30-139.41 or 139.79, Wis. Stats., without first obtaining a license from the municipality where you are doing business.
- C. Purchases/Preservation of Records - No retailer may possess cigarettes or tobacco products purchased from anyone other than a manufacturer, distributor or jobber who holds a valid permit from the Wisconsin Department of Revenue. If a retailer purchases tobacco products from an out-of-state company that does not have a permit from the Wisconsin Department of Revenue, the retailer must obtain the permit from the Wisconsin Department of Revenue. Retailers must keep invoices for all purchases of cigarettes/tobacco products on the licensed premises for 2 years from the date of invoice. Keep them in sequence and in a chronological order. They must be available for inspection at all reasonable hours, including all business hours.
- D. Inspection of Licensed Premises/Confiscation Authority - Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All cigarettes or tobacco products kept in violation of the laws and all personal property used in connection is subject to seizure. Any refusal to permit the inspection is punishable by fine, imprisonment or both.
- E. Sales to Minors/Sales of Individual Cigarettes - No retailer may sell or give away cigarettes, tobacco products, or nicotine products (including electronic cigarettes containing nicotine) to minors; no retailer may sell individual cigarettes.
- F. Possession of Cigarettes/Tobacco Products/Nicotine Products by Children - A child may possess cigarettes/tobacco products/nicotine products for the sole purpose of resale in the course of employment during his/her working hours if employed by a retailer licensed under sec. 134.65, Wis. Stats.
- G. Training Requirement - Retailers are required to provide training to employees whose duties include the sale of cigarettes/tobacco products/nicotine products. The training program must be an approved program by the Department of Health and Family Services.
- H. As of March 1, 2004, only those cigarettes and Roll-Your-Own (RYO) tobacco products listed on the Wisconsin Department of Justice's (DOJ) website listing labeled **Directory of Certified Tobacco Manufacturers and Brands** may be sold to Wisconsin consumers. (DOJ's website: <https://www.doj.state.wi.us/dls/tobacco-directory>.) Product that is not listed cannot be sold or possessed for sale after the date shown on the website listing. Wholesalers **and** retailers who possess this product for sale or sell this product in violation are subject to confiscation of that product and/or fines, forfeitures and revocation of their permits.
- I. Minimum Markup on Cigarettes and Tobacco at Retail. The unfair Sales Act Sec. 100.30, Wis. Stats., commonly referred to as the Minimum Markup Law", applies to the sale of cigarettes and tobacco products and is regulated by the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP). For questions on cigarette and tobacco products pricing/markup, please contact DATCP at the following numbers: (608) 224-4992 or (608) 224-4989.
- Alcohol or tobacco products may not be sold at less than cost by either wholesalers or retailers. Cost includes a presumptive 3% markup by wholesalers and presumptive 6% markup by retailers.

XXX. VIDEO GAMBLING

Effective July 26, 2003, the video gambling statutes were amended to provide that only a Special Agent of the Department of Revenue that is certified as a law enforcement officer may investigate or enforce video gambling violations on Class B alcohol beverages licensed premise, if the Class B premises has *no more than five video gambling machines*.

The penalties for having five or fewer video gambling machines on a Class B premises include seizure of the machines, seizure of money in the machines, and a penalty of \$500 per machine per incident. A municipality may also enact ordinances regulating these machines.

It is a felony for a Class B establishment to have more than five video gambling machines on premises; it is also a felony for a Class A licensee to have any video gambling machines on premises. In these instances, the licensee may be arrested either by a Special Agent of the Department of Revenue or a law enforcement officer in the jurisdiction where the arrest is made.

The Department of Revenue conducts tax audits of both machine operators and Class B establishments. The gross receipts from these illegal machines is also subject to Wisconsin sales tax, the net income is subject to Wisconsin income or franchise tax, and the purchase of the machines is subject to Wisconsin sales and use tax.