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# Welcome

- Instruction will be broken into two parts with a short 10-minute break between.
- We will cover all five required competencies.
- The Chat feature has been disabled and questions should be submitted using the direct link. This will allow us to progress in timely manner.
- Participant interaction has also been disabled.
- Final Exam will be presented via the proctored link, which will be activated only after completion of the course.
- Have great class and let us get started.

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## Competency 1: Explore state and local alcohol related laws, ordinances, and regulations.

Explore Alcohol regulation, licensing, and the relationship to state and local control.

Determine the legal requirements to be a "Licensed Operator" .

Examine the consequences to the individual and business/ Organization for failing to comply with state laws.

Navigate the laws regarding minimum legal drinking age, exceptions and the limitations in Wisconsin.



**TTB** Alcohol and Tobacco  
Tax and Trade Bureau  
U.S. Department of the Treasury

## **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](http://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.

Below is a sample listing of businesses that are subject to registration as a "retail liquor dealer" if they sell or offer for sale alcohol beverage products (e.g., beer, wine, distilled spirits, alcohol beverage coolers, mixed alcoholic drinks, etc.). This requirement applies to on-site consumption and off-site consumption sales.

Airlines	Inns
Airport Lounges	Leagues
Amusement Parks	Limousine Services
Bars	Liquor Stores
Bed and Breakfast Inns	Lodges
Bingo Halls	Lounges
Boats (Pleasure)	Lunch Wagons
Bowling Alleys	Military Installations
Casinos	Motels
Catering Services	Package Stores
Clubs	Pool Halls
Concession Stands	Private Clubs
Convenience Stores	Race Tracks
Drug Stores	Recreation Centers
Florist Services	Restaurants
Fraternal Organizations	Ships
Fundraising Organizations	Snack Bars
Gift Basket Dealers	State Stores
Golf Courses	Stadiums
Grills	Supermarkets
Grocery Stores	Taverns
Hospitals	Trains
Hotels	Wine & Cheese
Stores	





State of Wisconsin  
Department of Revenue

## **VI. SELLER'S PERMIT**

A. Every individual, partnership, corporation, or other organization making retail sales, leases or rentals of tangible personal property in Wisconsin must have a seller's permit.

**Publication 302**

## **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 (including seller's permits) should be posted with the alcohol beverage license.

**Publication 302**

## **Wisconsin State Law Summary – Distilled Spirits Plants and Bonded Wine Premises**

The following are not exempt from registration and recordkeeping when they make sales:

- **Brewers**
- **Proprietors of Distilled Spirits Plants**
- **Bonded Wine Cellars**
- **Bonded Wine Warehouses**
- **Taxpaid Wine Bottling Houses**

Following an application:

- **Establish and Operate a Bonded Wine Premises**
- **Taxpaid Wine Bottling House**
- **Register a Distilled Spirits Plant**
- **Register a Brewer's Notice to Establish and Operate a Brewery**

This application automatically registers you as a dealer at the present location.

**Publication 302**

**Legal requirements to be a  
“Licensed Operator”**

**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 classroom or online courses (see “Training” on the department’s website at [revenue.wi.gov](http://revenue.wi.gov)) unless:

- ✓ *An individual must have achieved 18 years of age or greater.*
- ✓ *An individual must not have been arrested or convicted regarding an activity that substantially relates to the licensed activity.*
- ✓ *An individual must have proof of successfully completing a state approved Responsible Beverage Server Course.*
- ✓ *An individual must complete the process to obtain the appropriate license in the municipality they plan to work.*
- ✓ *An individual could receive a license from a municipality if they are renewing an operator’s license, held a Class “A”, “Class A”, “Class C”, “Class B”, or Class “B”, permit, manager’s license, operator’s license, or the individual had completed a training course no more than two years ago.*





# WISCONSIN STATE LEGISLATURE

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

- (1) **BREWERS' PREMISES.** The furnishing, by brewers, of fermented malt beverages free of charge to customers, visitors and employees on the brewery premises if the fermented malt beverages are consumed on the brewery premises and are not furnished or consumed in or near any room or place where intoxicating liquor is sold.
- (2) **HOSPITALS; PRACTICE OF MEDICINE OR SURGERY.**
  - (a) The use of alcohol beverages in institutions licensed under subchs. I and II of ch. 50 where the beverages are used solely for medicinal, mechanical or scientific purposes.
  - (b) The use or prescription of alcohol beverages by a person licensed to practice medicine or surgery in the treatment of the sick.
  - (c) Notwithstanding pars. (a) and (b), a permit to receive shipments of alcohol under s. 125.61 must be obtained before alcohol beverages may be used or prescribed under pars. (a) and (b).
- (3) **THE MAKING OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES.**
  - (a) The making of homemade wine or fermented malt beverages, and the possession, transportation, or storage of homemade wine or fermented malt beverages, by any person if all of the following apply:
    1. The person who makes the wine or fermented malt beverages receives no compensation.
    2. The wine or fermented malt beverages are not sold or offered for sale.
    3. The total quantity of wine or fermented malt beverages made, in a calendar year, by the person and any other person living in the same household does not exceed 100 gallons if the household has only one person of legal drinking age or 200 gallons if the household has 2 or more persons of legal drinking age.
  - (b) A person who makes, possesses, transports, or stores homemade wine or fermented malt beverages in compliance with the limitations specified in par. (a) is not a brewer or a manufacturer of wine for purposes of this chapter.
  - (c) Homemade wine or fermented malt beverages made in compliance with the limitations specified in par. (a) may be consumed by the person who made it and his or her family, neighbors, and friends at any private residence or other private location where the possession and consumption of alcohol is permissible under this chapter, local ordinances, and other applicable law. This paragraph does not apply to licensed premises.
- (3g) **WINE OR FERMENTED MALT BEVERAGES MADE AT SUPPLY STORES.** The manufacture of wine or fermented malt beverages by any person at a business primarily engaged in selling supplies and equipment for use by homebrewers or home winemakers, and, notwithstanding s. 125.09 (1), the tasting at the business of wine or fermented malt beverages so manufactured, if the wine or fermented malt beverages are not sold or offered for sale. Wine or fermented malt beverages provided at a business for tasting under this subsection may only be provided by a person who holds an operator's license issued under s. 125.17.



# Types of Licenses – Available in Wisconsin – Publication 302

## 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 free of charge two 3 fluid ounce taste samples of wine between 11:00 a.m. – 7:00 p.m.
6. May furnish customers free of charge one 0.5 fluid ounce taste samples of intoxicating liquor other than wine between 11:00 a.m. – 7:00 p.m.



# Types of Licenses – Available in Wisconsin – Publication 302

**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.

**Temporary Class B License (Picnic License):** This will allow the retail or sale of fermented malt beverages and or wine at temporary events such as festivals. To qualify an organization must be one of the following:

- bona fide club
- state, county, or local fair or agriculture society
- churches, lodges, or societies in existence for at least six months prior
- Posts of Veteran’s organizations
- Chamber of Commerce or similar civic and trade organizations, which are organized under ch. 181. Wis. Stats

**“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

**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.

## **Types of Licenses – Available in Wisconsin – Publication 302**

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



### 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. Alcohol beverage records may be kept on the licensed premises in electronic form only, paper copies are not required.

### 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](http://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. A licensed retailer may sell his or her entire sealed alcohol beverage stock in a liquidating transaction to another licensed retailer.



**“Class A” License:**

Required to close between the hours of 9:00 p.m. – 6:00 a.m.

**Class “A” License:**

Required to close between the hours of 12:00 a.m. – 6:00 a.m.

**Class B Fermented Malt Beverage, Class B Liquor, & Class C Wine Licenses:**

Required to close:

Monday thru Friday from 2:00 a.m. – 6:00 a.m.

Saturday only from 2:30 a.m. – 6:00 a.m.

Second Sunday in March 3:30 a.m. – 6:00 a.m.

**Exemptions:**

Class B premises are not required to close on January 1<sup>st</sup> because of the New Year’s Eve Holiday.

**“Class B”**

If authorized to make off premises sales, no sales between 12:00 a.m. – 6:00 a.m.

For Wineries they must not sell between 9:00 p.m. – 8:00 a.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.

**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.

**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.

**“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.

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

## **Closing Hours – Publication 302 - Continued**

### **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.

## Closing Hours – Publication 302 - Concluded

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, drug stores, grocery stores, bowling centers, movie theaters, painting studios, indoor horseshoe pitching facilities, indoor golf simulator facilities, indoor golf and baseball facilities (Class “B” premises), 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.

In the State of Wisconsin, a municipality may further restrict the hours of sales for off-premises consumption, they may not further restrict the closing hours for on-premises consumption.



## 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, or limited liability company's 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.

## 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.

## 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.

# Social Hosts and Dram Shop Liability

Wisconsin Statutes section  
125.035 "a person is immune  
from civil liability arising out  
of the act of procuring  
alcohol beverages for or  
selling, dispensing or giving  
away alcohol beverages to  
another person."

*Dram Shop* - Referring to alcohol sold by a licensed party (The term Dram comes from a unit of measurement used in the past when selling alcohol.)

*Social Host* - Referring to alcohol served to a guest

*1<sup>st</sup> Party* - The server & licensee

*2<sup>nd</sup> Party* - The intoxicated customer

*3<sup>rd</sup> Party* - The individual(s) harmed

*In the State of Wisconsin, the primary goal of 3<sup>rd</sup> Party Liability is to make it very clear to every server and licensee that it is their responsibility to obey all liquor laws and if not they will be held liable. Responsible Beverage Servers who follow the laws are rarely if ever held liable in the State of Wisconsin.*

### Challenge Question 1

As a licensed operator in the State of Wisconsin, it is illegal to do which of the following? \*

- ☐ Require an individual show more than one form of ID
- ☐ Refuse to serve an individual
- ☒ Provide alcohol to an intoxicated individual
- ☐ All of the above are illegal

### Challenge Question 2

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. \*

- ☒ True
- ☐ False

### Challenge Question 3

After closing a business which of the following internal business operations are acceptable? \*

- ☒ Cleaning, counting cash, and repairs
- ☐ Providing last call to customers who remain on premises
- ☐ Prearranged events or gatherings of customers
- ☐ None of the above

### Challenge Question 4

Which statement correctly refers to refilling any liquor bottle as a licensed operator? \*

- ☐ Same brand liquor may be poured
- ☐ Liquor from a licensed distributor may be poured
- ☒ It is illegal to refill any liquor bottle
- ☐ Liquor taken from purchased stock