



## Legislation Details (With Text)

**File #:** 48008      **Version:** 1      **Name:** Authorizing fermented malt beverages/wine/intoxicating liquor samples  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/10/2017      **In control:** ALCOHOL LICENSE REVIEW COMMITTEE  
**On agenda:** 9/5/2017      **Final action:** 9/5/2017  
**Enactment date:** 9/14/2017      **Enactment #:** ORD-17-00089  
**Title:** Amending Sections 38.08(1) and 38.09(2)(a) of the Madison General Ordinances to authorize the furnishing of fermented malt beverages/ wine/intoxicating liquor samples.  
**Sponsors:** Michael E. Verveer, Paul E. Skidmore  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date      | Ver. | Action By                        | Action  | Result |
|-----------|------|----------------------------------|---|--------|
| 9/5/2017  | 1    | COMMON COUNCIL                   | Adopt   | Pass   |
| 8/16/2017 | 1    | ALCOHOL LICENSE REVIEW COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass   |
| 7/18/2017 | 1    | COMMON COUNCIL                   | Refer   | Pass   |
| 7/10/2017 | 1    | Attorney's Office/Approval Group | Referred for Introduction                         |        |

### Fiscal Note

No fiscal impact.

### Title

Amending Sections 38.08(1) and 38.09(2)(a) of the Madison General Ordinances to authorize the furnishing of fermented malt beverages/ wine/intoxicating liquor samples.

### Body

DRAFTER'S ANALYSIS: This amendment clarifies that Class A licensees may offer samples of fermented malt beverages/wine/intoxicating liquor so long as they comply with state statutes that authorize the furnishing of fermented malt beverages/wine/intoxicating liquor samples. Please note that the Wisconsin State Statutes define the term "intoxicating liquor" so as to include the term "wine" and so as to exclude the term "fermented malt beverages."

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (1) entitled "Restrictions Applicable to Class A Licenses" of Section 38.08 entitled "Fermented Malt Beverages" of the Madison General Ordinances is amended to read as follows:

"(1) Restrictions Applicable to Class A Licenses. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a Class A license has been issued any fermented malt beverage except in original unopened packages, containers or bottles, not to be consumed in or about the premises where sold. However, it shall be lawful to provide samples of fermented malt beverages that are offered in accordance with the applicable provisions of Wis. Stat. ch. 125."

2. Subdivision (a) of Subsection (2) entitled "Restrictions Applicable to Class A Liquor Licenses" of Section 38.09 entitled "Intoxicating Liquor" of the Madison General Ordinances is amended to read as follows:

"(a) It shall be unlawful for any holder of a Retail Class A intoxicating liquor license to sell, vend, serve, give away or in any way deal or traffic in intoxicating liquor in any other manner than in the original package or container. However, it shall be lawful to provide samples of intoxicating liquors that are offered in accordance with the applicable provisions of Wis. Stat. ch. 125."