

MONITORING ALCOHOL BEVERAGES-TO-GO IN WISCONSIN

In Wisconsin, all alcohol beverage sales must occur at an approved location. The approved location is called the premises, which is defined as “the area described in a license or permit.”ⁱ Examples of licensed premises include the parts of a bar, restaurant, or store where alcohol beverages are sold, served, or stored. If a business wants to bring alcohol to an outside location, the business can only do so if its license or permit specifically describes that outside location, such as a beer garden, sidewalk café, or parking spot. The sale of alcohol beverages is only authorized through “face-to-face sales to consumers at the premises described in the retail license or permit.”ⁱⁱ

Three aspects of the sale are required for a retail alcohol beverage purchase to be legal in Wisconsin. They are the followingⁱⁱⁱ:

1. **The sale takes place face-to-face on licensed or permitted premises.**
2. **The purchaser is of legal drinking age (21 or older) and not intoxicated.**
3. **The seller is a licensed operator or is under the immediate supervision of a licensed operator.**

Recently, lawmakers and alcohol retailers have greatly expanded alcohol availability. Those in public health or substance misuse prevention agree that increased access and availability of alcohol can contribute to excessive alcohol use.

Unfortunately, the last 5 years have seen increasing popularity of new ways of making alcohol more available to more people, more often. A brief explanation of several trending methods follows. More information is available on the [WisAPP website](#):

- **Click and Collect**
- **Curbside or parking lot delivery**
- **Cocktails-to-go**
- **Home delivery**

Click and Collect – Customer orders online from a retailer’s website or by telephone and then pays for and picks up their orders from a local store, restaurant, or bar. According to the Wisconsin Department of Revenue, even if an internet or telephone order is made in advance, the sale must take place face-to-face at the time that the customer picks up the alcohol beverage at the retailer’s licensed premises.^{iv}
Monitor whether and how age is checked, and whether customer is asked to sign for the alcohol.

Curbside or parking lot delivery – This is a version of click and collect, where after ordering online or by telephone, the customer parks in a designated parking space, either along the curb or in a parking lot that is part of the licensed premises; and a store employee brings the order out to the consumer’s car. A licensee can only provide curbside or parking space delivery if the municipality (city, village, or town) has approved an expansion of their premises to include the designated parking spaces. Curbside delivery is illegal if the municipality has not approved the parking space addition to the premises. Since the sale takes place at the car, the person bringing the alcohol to the car must either possess an operator’s

license or be under the immediate supervision of someone who has an operator's license. Some municipalities have ordinances detailing conditions for curbside or parking lot delivery. **Monitor whether and how age is checked, whether customer is asked to sign for the alcohol, and where alcohol is placed in vehicle. Can check with municipal clerk whether parking spot is part of licensed premises.**

Cocktails-to-go – Licensees with a “Class B” liquor license (bars, restaurants, taverns, etc.) may sell intoxicating liquor by the glass and not in the original package or container for consumption somewhere else (i.e. off premises) if the container has been sealed with a tamper-evident seal before it is removed from the establishment (premises).^v To be tamper-evident, it must indicate if the seal has been broken, opened, or tampered with. A clear film that must be punched open is tamper-evident, as is a tape that leaves a residue or changes colors once peeled back. Regular clear tape is not tamper-evident. **Monitor how the cocktail is sealed and whether it shows if you tamper with the seal, open it, or drink.**

Home delivery – Retailers may only deliver to a person's home if the alcohol beverage was already purchased in a face-to-face sale on the licensed premises, such as delivery of a case or a keg after purchase was made in person. Retailers may not deliver to an individual who did not make the purchase in person at the licensed premises. Third party delivery of alcohol beverages by companies such as Drizzly, Grubhub or UberEats, is not currently legal in Wisconsin. **Monitor for delivery of beer or liquor by phone order or internet order.**

Important Exception: A business that manufactures and bottles wine on premises (such as a winery) may get a permit from the Department of Revenue to ship wine (but not beer or liquor) directly to individuals in this state. Any container of wine shipped to an individual must be clearly labeled to indicate that the package may not be delivered to an underage or to an intoxicated person. **Monitor whether and how age and sobriety of recipient is checked. Any signature required?**

Please contact the Wisconsin Alcohol Policy Project for questions, technical assistance, or training.

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<https://www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project>

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ⁱ Wis. Stat. § 125.02(14m).

ⁱⁱ Wis. Stat. §§ 125.272, 125.51(6). There are a few exceptions to the face-to-face sales requirement, that are specifically listed in the Wisconsin Statutes, specifically for stocking of hotel rooms, coliseum suites, specific locations in the Ozaukee County fairgrounds, and supplying of caterers.

ⁱⁱⁱ Claire Silverman, 2018, “Click and Collect” Alcohol Sales, The Municipality.

^{iv} “Sales by retailers of alcohol beverages must occur at the licensed premises, with the buyer and seller face-to-face at the time of sale. Retailer's receipt of a customer's credit card account information may not result in the customer's credit card account being charged for an online (Internet or phone) order. The actual sale must take place when the customer visits the retailer's licensed premises.” DOR, Guidance Doc No. 100076, Alcohol Beverage Laws for Retailers – Licensee Responsibilities, FAQ 18 (last updated Aug. 12, 2020).”; Julia Sherman, 2018, Click & Collect Alcohol Sales in Wisconsin, Wisconsin Alcohol Policy Project.

^v2021 Wisconsin Act 21, enacted March 26, 2021.