



Alcohol Industry

Alcohol Industry refers to those businesses and people involved in alcohol beverages production, distribution, and sale of beer and other fermented malt beverages, wine and distilled spirits. It includes a wide range of producers, manufacturers, rectifiers, distributors, wholesalers, and retailers.

Recommendation 1: Regulate alcohol delivery.

Purpose: Reduce availability of alcohol

Wisconsin's statutory requirement for face-to-face alcohol sales requires the retailer to interact with the customer, establish they are age 21 or older and not intoxicated. Proposals that allow for retailer delivery or third party delivery of alcohol remove this requirement and may not provide effective controls or a replacement. The experience of other states indicates allowing alcohol to be delivered increases the risk of underage drinking. It is imperative to carefully enumerate the responsibilities of all parties involved and to support local enforcement of those policies.

- ❖ The retailer and the delivery service are both separately responsible for determining that alcohol is only delivered to individuals who are age 21 or older and not intoxicated.
 - Either or both parties may be cited if IDs are not checked, or other required actions are not taken regardless of the means used to determine a violation.
 - Failure by either the retailer or delivery personnel to fulfill their responsibilities may be cited under 125.07.
 - Multiple failures by a licensee to package alcohol correctly or failing to indicate orders that contain alcohol are individual violations.
- ❖ The retailer must place a fluorescent-colored sticker, at least four inches in length or diameter that is readably visible on the exterior packaging of every box or bag containing alcohol. With the wording in all capital letters: *CONTAINS ALCOHOL: SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY.*
 - Failure to place this required sticker is a violation of the alcohol license, multiple failures may constitute cause for non-renewal, suspension or revocation.
 - A purchaser's assertion that they are age 21 or older does not absolve the retailer from other required steps.
- ❖ The delivery service is responsible for the conduct of its employees and contractors, including but not limited to requiring every delivery including alcohol must verify the age of the recipient by physically checking a government issued ID that also confirms the individual in the photo is the same person accepting delivery, the name on the credit card and ID are the same, and the individual is age 21 or older.
 - A signature following the ID check is required for every delivery with alcohol.
 - Delivery personnel must visually confirm the individual is not intoxicated.
- ❖ Packages with the fluorescent "Alcohol" sticker must be delivered to the named individual on the order. They may not be left on steps, porches or other exterior locations or otherwise unattended regardless of the instructions submitted by the customer.
 - Delivery firms and retailers may assess a reasonable fee to any order returned due to a failed ID check or failure to present an ID.

**Cross-listed in: State Government and State Agencies (Recommendation 6); Local Government (Recommendation 13)*



Alcohol Industry (continued)

Recommendation 2: Voluntarily label containers with alcohol serving facts.

Purpose: Modify the drinking environment

Manufacturers and rectifiers should voluntarily label alcohol beverage containers with truthful and accurate per serving alcohol serving facts information using a Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau prescribed format.

Recommendation 3: Define and regulate the use of growlers.

Purpose: Reduce availability of alcohol

Wisconsin should adopt a comprehensive definition of a “growler” that includes requirements for cleaning, labelling and sealing by licensees.

A growler is a metal, plastic, glass or ceramic container holding a maximum of 128 ounces having a lid or stopper that can be secured with a tamper proof seal, to be filled with fermented malt beverages at the time of sale at Class “B” licensees for off-premises consumption.

- ❖ A growler that has been filled in advance of sale is a bottle and must meet all state and federal tax and labeling requirements.
 - ❖ Retailers may sell one-time use disposable growlers or multiple use growlers that conform to the definition.
- ❖ Any fermented malt beverage may fill a customer’s growler without regard for the brand or logo on the exterior of the container.
- ❖ After filling and capping with the lid or other stopper, the licensee must place a seal that will be visibly broken or torn when the container is opened.
- ❖ Cellophane tape, even if unique to the licensee, that can be removed and reapplied, is not a tamper proof seal.
- ❖ The licensee must apply a tag or sticker that provides the name and address of the brewer for the beverage filling a growler.
- ❖ Refillable growlers must be washed by the licensee prior to filling.
- ❖ A licensee may refuse to fill any growler they cannot seal or sanitize.
- ❖ A municipality may prohibit off-premises sales of growlers.

**Cross-listed in: Local Government (Recommendation 21); State Government and State Agencies (Recommendation 15)*