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To: Senate Committee on Government Operations, Legal Review, and Consumer Protection
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities
Date: February 4, 2021
Re: SB 56, Allowing Remote Orders for sale of alcohol beverages to be picked up on retail licensed premises

The League of Wisconsin Municipalities opposes SB 56 in its current form because it includes language expressly prohibiting a municipality from prescribing additional regulations or restrictions relating to sales of alcohol beverages made pursuant to remote order. If the preemption language in section 2 of the bill was deleted by amendment, we would remove our opposition to the bill.

Under current law, a municipality may enact additional regulations for the sale of alcohol beverages that do not conflict with ch. 125. Wis. Stats. Sec. 125.10(1). For example, many municipalities rely on this authority to adopt ordinances imposing regulations pertaining to beer gardens, outdoor volleyball courts, or other outdoor extensions of the licensed premises. I can imagine a situation in which a community might seek to regulate the size and location of the parking space pick-up area for customers to retrieve their remote order for alcohol beverages.

This bill unfortunately removes from municipalities the ability to adopt regulations to address unique local concerns or unusual circumstances associated with remote sales of alcohol beverages. Such a prohibition on local authority is unnecessary and goes too far. If the fear is that municipalities will adopt ordinances disallowing remote sales in their community, existing state law already prohibits municipalities from adopting regulations that conflict with ch. 125. Municipalities cannot prohibit what ch. 125 allows. Municipalities may only adopt additional regulations for the sale of alcohol beverages that do not conflict with ch. 125.

We urge the authors to consider an amendment to the bill that would delete section 2 and retain the current law ability of municipalities to adopt additional regulations pertaining to the sale of alcohol beverages without conflicting with ch. 125.

We urge the committee to not recommend passage of SB 56 in its current form. Thank you for considering our comments.