



## Techniques for Effective Alcohol Management

### State information: Wisconsin

#### **General Regulations**

Legal age to Consume Alcohol: 21

Legal age to Serve Alcohol: 18

Limit for Driving While Intoxicated: .08

Limit for Driving While Intoxicated, Under 21: Zero tolerance

Dram Shop Liability Laws: Yes, limited by S.125.035. S.125.035 provides three cases for Dram Shop Liability to be used: 1. Patron under 21 gets served; 2. Server forces patron to consume; 3. Server lies to patron regarding content of alcohol in beverage. This statute explicitly removes the traditional immunity protection in situations where a liquor provider knew or should have known that the person being served was underage, and where the alcoholic beverages provided to the person were a substantial factor in causing injury to a third party.

Maximum Alcohol per Drink: Not regulated

Number of Drinks Served at One Time: Not regulated

#### **Server Training**

Wisconsin currently requires licensees and servers to attend a responsible service class if they have not held a retail license or operator's license within the last 2 years. The state vocational schools, the Department of Revenue, and the Educational Approval Board approve programs the licensees and servers can attend. Although anyone can train, only students who complete an approved training program can be issued an operator's and retail license after training.

#### **Acceptable Forms of ID**

Valid Wisconsin Driver's License

Valid Wisconsin ID Card

Valid Military ID

Valid Passport

#### **Recommended Age for Carding**

30

#### **ID Confiscation**

S.125.039 Civil liability exemption for retaining proofs of age. "No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify a law enforcement authority of a suspected violation of S.125.085 (3) (a) or (b)."

#### **Policies Regarding Minors**

It is unlawful to serve or sell alcohol to anyone under the age of 21, unless accompanied by parent, guardian, or spouse of legal drinking age. For Class B licenses, underage persons are not allowed into the establishment unless with a parent,



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guardian or spouse who is at least 21. If principal business of the establishment's total sales is from food, unaccompanied underage persons are allowed for dining only but may not be in the barroom. There are exceptions to these restrictions. Persons under the legal drinking age are allowed to consume alcohol in the presence of their parents, guardians, spouses of legal drinking age either on or off a Class B (on sale) licensed premise.

#### **Non-Alcoholic Beer and Wine**

Not regulated.

#### **Alcohol Liability**

Following is a list of possible penalties for serving or selling alcohol to an underage person:

First Offense – up to \$500 fine;

Second Offense – up to \$500 fine and/or 30 days in jail if a previous violation has occurred within 30 months of the violation;

Third Offense – up to \$1,000 fine and/or 90 days in jail if the previous two violations occurred within 30 months of the violation.

The penalty for serving someone who is visibly intoxicated is a \$100-500 fine and 60 days in jail. Licenses may also be revoked. Liability may be regulated by municipal ordinance.

#### **State Contact Information**

Wisconsin Department of Revenue

Alcohol-Tobacco Enforcement

2135 Rimrock Road

Madison, WI 53713

608-266-2772

<https://www.revenue.wi.gov/Pages/faqs/ise-atlicns.aspx>

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.