



Communication Relating to the Effect of 2023 Act 73 on Unlicensed Venues that Permit Alcohol On Site

JUNE 10, 2025

Current Regulatory Climate

- ▶ **A space held out for rent may allow alcohol to be dispensed on the premises if the following are true.¹**
 - ▶ Alcohol beverages must be purchased from a licensed retailer at the retailer's licensed premises. The alcohol beverages are then brought to the unlicensed establishment.
 - ▶ There is no cash bar. Alcohol beverages may be dispensed (not sold) by the business at an unlicensed premises if the venue is not open to the public.
 - ▶ Any unconsumed alcohol is the property of the purchaser and may not be returned.
 - ▶ The premises has an Occupancy Permit

1. Wisconsin Department of Revenue, *Fact Sheet 3108 Catering Alcohol Beverages*, November 7, 2024

What is Changing

- ▶ 2023 Act 73 broadens the definition of Public Place for the purpose of requiring a license or permit to include a venue, location, open space, room, or establishment that is any of the following²
 - ▶ Accessible and available to the public to rent for an event or social gathering.
 - ▶ Held out for rent to the public for an event or social gathering.
 - ▶ Made available for rent to a member of the public for an event or social gathering.

2. Wis. Stat. 125.09(1)

Creation of a No-Sale Event Venue Permit

- ▶ Creation of the No-Sale Event Permit³
 - ▶ Issued by the Department of Revenue
 - ▶ Permits the consumption of beer and wine on the premises for no more than six days per calendar year and no more than one day per month
 - ▶ Requires licensed operators if the event is catered by a Class B Licensee or if the event attendance is greater than 19 people.
 - ▶ It does not permit the possession of distilled spirits on premises during events
 - ▶ It does not permit the sale of alcohol beverages or charging an admission fee to attend the event.

3. Wis. Stat. 125.24(1)-(2)

Alternative to the No-Sale Event Venue Permit

- ▶ Apply for a Class B Tavern license
 - ▶ Allows for alcohol sales on premises and allows for the possession of distilled spirits on premises.
 - ▶ Approved after a hearing before the Licenses Committee
 - ▶ Allows for resident feedback in the decision making process.
 - ▶ Annual renewal process

Scope of Change in Terms of Licensees

- ▶ We estimate that there about 50 businesses in the City that rent space for events but do not hold an alcohol license
- ▶ Businesses whose model involves catering private events at unlicensed facilities will be impacted, as only the “Class B” licensee is authorized to provide alcohol on a licensed premises
- ▶ Act 73 allows municipalities to exceed their quota to issue a license to an establishment that held at least 5 events with 50 or more patrons in the past year

Timeline

- ▶ The requirement for an establishment to hold a No-Sale Event Venue Permit or a Class B License takes effect January 1, 2026
 - ▶ The application process for a new Class B typically takes 6-8 weeks from application to Council action but could be longer if there are objections
 - ▶ The application process for a new No-Sale Event Venue Permit will be available in Late 2025⁴
 - ▶ Possibility of a court ordered delay Farmview Event Barn, LLC et al vs. Wisconsin Department of Revenue et al. Most recently the court denied the plaintiff's motion for a temporary injunction⁵
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- ▶ 4. [DOR No-Sale Event Venues and 2023 Wisconsin Act 73](#)
 - ▶ 5. [https://wcca.wicourts.gov/caseDetail.html?caseNo=Trempealeau County Case Number 2024CV000062](https://wcca.wicourts.gov/caseDetail.html?caseNo=Trempealeau%20County%20Case%20Number%202024CV000062) Farmview Event Barn, LLC et al vs. Wisconsin Department of Revenue et al 5.28.2025

Next Steps and Potential Concerns

- ▶ Communication from the DOR about the location of permitted No Sale Event Venue Permits and dates of operation
- ▶ Update MCO 90 to incorporate the No Sale Event Permit as an exemption to the license required section.
- ▶ Notify potentially affected operators of the change
- ▶ Align the license requirement for Public Entertainment Premises Licenses to include public places as defined in Statute

Q&A and Additional Resources

- ▶ Questions
- ▶ <https://www.revenue.wi.gov/DOR%20Publications/3122NoSaleEventVenues.pdf2023>
- ▶ <https://docs.legis.wisconsin.gov/2023/related/acts/73>
- ▶ <https://www.revenue.wi.gov/Pages/FAQS/alc-event-venue.aspx>
- ▶ <https://www.revenue.wi.gov/DOR%20Publications/3108CateringAlcoholBeverages.pdf>