August 3, 2023

Dear Lawmakers:

There is a renewed effort underway to curtail the Agricultural Event Venue ("AEV") industry, commonly referred to as "wedding barns." This proposed change in liquor licensing laws—which has been rejected repeatedly in recent years—would infringe upon a farmer's freedom to rent out their barn to brides and grooms, devastating Wisconsin's proud tradition of wedding barns. **As a complete affront to economic freedom and limited government, this change should be rejected.**

Wisconsin law requires a liquor license in two instances: (1) for the sale of alcohol (Wis. Stat. § 125.04(1)) and (2) for the consumption of alcohol in a "public place" (Wis. Stat. § 125.09(1)). For years, farmers have legally rented out their barns to wedding parties—allowing the newlyweds to bring their own alcohol and serve it to their guests if they so choose—because neither of these circumstances apply to wedding barns, which are not "public places."

Weddings are purely private events. Only personally invited guests can attend. Wedding barns do not become "public places" under the liquor licensing law simply because they are available to rent, just as an apartment or vacation rental home does not become a "public place" simply because members of the public rent it. In both cases, premises are being leased for the exclusive use of the lessee. Unlike a bar or a restaurant, an apartment or a vacation home—or a wedding barn—is not open to the general public. **But most importantly, the barn owner does not sell alcohol -- any alcohol that is served is purchased elsewhere by the lessee and distributed by the lessee at their discretion.**

A wedding barn is nothing like a tavern. But special interests do not like even the slightest competition and they have been more than willing to enlist the government's help in protecting them from new ideas and competitors. In recent years, there have been several attempts to amend the liquor license law to expand who needs a license, or to change the definition of "public place." Fortunately, to date those efforts have all failed.

This latest attempt, introduced as AB 304/SB 332, once again attempts to expand the definition of "public place" to cover wedding barns and other private event venues. In so doing, the proposal leaves barn owners one of two choices. They could become taverns, obtaining the same licenses as taverns. Or, if they wish to try to continue operating as they have been for years, they would need to obtain a new "no-sale event venue permit." That permit, which would be newly created by the bill, limits wedding barns (and other private event venues) to operate no more than six days per year, and a maximum of one day per month. No person could consume spirits at the venue either—so newlyweds would be prohibited by law from sharing a toast with brandy old-fashioneds on their wedding day.

Supporters argue that this proposal will have little impact on barns because under the bill they can simply obtain liquor licenses and operate as taverns do. But that argument is disconnected from reality. This proposal would essentially render many wedding barns inoperable, since in the real world many obstacles could keep them from being able to acquire the necessary Class-B license that's required to operate. This could be due to zoning restrictions that prevent them from functioning as taverns, limited resources that hinder their ability to make the required investments to qualify as taverns, or the fact that they cannot operate profitably as "no-sale event venues" with a maximum of six events per year and only one event per month. Indeed, how can any business operate if the government tells them they are limited to only being open six days per year and one day per month?

Moreover, there is no assurance that wedding barn event venues will receive a Class-B license from communities. In fact, numerous communities have "abandonment" clauses incorporated into their ordinances. These clauses mandate that Class-B license holders must keep their venues operational for a specific number of days each year, or else they face the possibility of license revocation. Given that many wedding barns operate seasonally, this requirement can pose a significant threat to their survival.

This proposal would not just impact wedding barns, either. If your family rents out a vacation rental home and wants to host a dinner party—that rental is considered a "public place" unless there are "sufficient beds for all adult guests to sleep." So, if you decide to have friends over to your vacation rental, AB 304/SB 332 empowers revenue agents to count the number of beds to limit the number of attendees. Imagine renting a lake house for your family reunion only to have law enforcement show up and tell you that you need a liquor license before you can open a beer. Government does not need to regulate the daily lives of Wisconsinites in this extreme manner.

In closing, we note that AB 304/SB 332 contains a number of other changes to Wisconsin's three-tier alcohol regulation system. The rest of the legislation is by no means perfect, but our opposition here is focused on the event venue changes. Lawmakers should simply remove the wedding barn regulatory changes, which after all are little more than an attempt to put entrepreneurial farmers out of business and protect special interests. **Do not use the heavy hand of government to destroy an entire industry in Wisconsin.**