State of Wisconsin
Department of Revenue
Division of Alcohol Beverages

Selling, Donating, and Giving Away Alcohol Beverages

Alcohol Beverage Laws

Fact Sheet 3110 **revenue.wi.gov**

This fact sheet provides information about selling, donating, and giving away alcohol beverages. This fact sheet also provides information about the sale and purchase of alcohol beverages by charitable organizations.

Sales of Alcohol Beverages

The term "sale" is broadly defined in Wisconsin alcohol beverage laws and includes many different types of transactions. A person may not sell alcohol beverages unless he or she holds the appropriate retail license or permit.

The following are examples of sales of alcohol beverages:

- Charging admission or cover charge to an event where alcohol beverages are provided to those who pay to attend the event.
- Charging a "trespass fee" at an event where alcohol beverages are provided to those who pay the fee.
- Charging a "cup fee" at an event where attendees pay a fee to receive a cup used to consume alcohol beverages that are provided at the event.
- Charging for the "mix" (soda, lemonade, juice, etc.) at an event where alcohol beverages are provided to those who pay the fee for the "mix."
- Charging for ice at an event where alcohol beverages are provided to those who pay the fee for the ice.
- Requiring or mandating donations be made by attendees of an event where alcohol beverages are provided to those who make a donation.

A person may not allow another to use his or her license/permit to sell alcohol beverages. Allowing another to use one's alcohol license/permit is grounds for license revocation and criminal prosecution.

Sales and Purchases of Alcohol Beverages by a Charitable Organization

Generally, charitable organizations must hold a retail alcohol beverage license or permit to sell alcohol beverages. However, a charitable organization is not required to hold an alcohol beverage license or permit to sell alcohol beverages in the following situations:

- Awarding alcohol beverages in original, unopened packages, containers, or bottles as a prize in a raffle if the organization holds a raffle license under ch. 563, Wis. Stats. Alcohol beverages may only be awarded to persons of legal drinking age.
- A charitable organization, defined under sec. 202.11(1), Wis. Stats., may hold an auction of sealed bottles of intoxicating liquor and/or fermented malt beverages to raise money for the charitable organization.

If a charitable organization holds a retail alcohol beverage license or permit, including a temporary alcohol beverage license, the organization must purchase all alcohol beverages from a permitted Wisconsin wholesaler or a self-distributing brewer or brewpub. Wisconsin wholesalers and self-distributing brewers and brewpubs must charge the same price to **all** retailers purchasing alcohol beverages in similar quantities. A wholesaler or a self-distributing brewer or brewpub cannot donate or discount alcohol beverages to a charitable license holder, unless the same price is offered to all other retailers purchasing alcohol beverages in similar quantities.

Giving Away Alcohol Beverages

No person may give away alcohol beverages to evade alcohol beverage laws. Businesses may not give away alcohol beverages to customers without holding the appropriate alcohol beverage license or permit.

However, the following are limited situations where Wisconsin law allows alcohol beverages to be given away free of charge:

- Permitted intoxicating liquor salesperson may give a "Class A" licensee a sample of a brand of intoxicating liquor if the retailer has not previously purchased that brand from the permittee.
- Manufacturers, rectifiers, wineries, brewers, brewpubs, and wholesalers may provide taste samples free of charge at Class B premises to persons of legal drinking age who are attending a trade show, conference, convention, or similar meeting of a bona fide national or statewide trade association that derives income from membership dues of Class B licensees. Taste samples may not be furnished at more than two such events of any one trade association per year. Any alcohol beverages brought to the premises must be removed at the close of the trade show.
- Brewers, manufacturers, rectifiers, and wineries may provide free taste samples to persons of legal drinking age on their permitted premises.

For information about offering taste samples of alcohol beverages, see Fact Sheet 3106, *Alcohol Beverage Sampling*.

Questions?

If you are unable find an answer to your question on the division's website, email, write, or call the division.

Website . . . revenue.wi.gov/pages/AlcoholBeverage/home.aspx

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Last updated February 24, 2026