

## Click & Collect Alcohol Sales in Wisconsin

By Julia Sherman, Founder of the Wisconsin Alcohol Policy Project  
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Retail sales habits are changing, with people wanting to make purchases either

1. The sale must be face-to-face.
2. The sale must take place on the licensed premises.
3. The purchaser must be 21 years or older.
4. The seller must be a licensed "operator" or under the supervision of a licensed operator.
5. The purchaser must not be intoxicated.

Retailers are asking municipalities to designate the parking stalls used for the Click & Collect deliveries as part of the licensed premises on the alcohol licensed premises must include all areas where alcohol is stored or sold, and alcohol cannot be sold outside those areas. In other words, without the expansion of the licensed premises to include the pick-up area, alcohol cannot be included in Click & Collect sales. Outside the City of Milwaukee, licensed areas do not need to be contiguous, allowing specific parking stalls to be designated for Click & Collect alcohol sales.

A municipality has discretion over whether to allow the expanded premises. A municipality should evaluate applications uniformly but granting one request for extended premises does not require granting all subsequent requests. A consistent set of guidelines or criteria for reviewing these requests supports consistent review of these applications. Online ordering and delivery only require municipal approval if alcohol is included. When a municipality takes the time to evaluate the application to expand the licensed premises, it does not delay all Click & Collect sales, just alcohol sales.



Questions a Municipality should Ask before Expanding the Licensed Area for Click & Collect Include:

- What hours will alcohol orders be allowed? Should ordering conclude before high school finishes for the day?
- Exactly how is an alcohol order assembled?
- Who assembles the entire order?
- Is an itemized tape prepared? Is it a receipt indicating the sale was already completed?
- When is the credit card charged for the order? Note: It could be asserted the sale occurs when the card is charged. If that is done when the order is assembled, is it really a face-to-face sale?
- Is the individual delivering the order a licensed operator?



- Minimum 4-hour waiting period between order time and pick-up time for alcohol and tobacco.

The City of Madison adopted a similar ordinance to regulate Click & Collect alcohol sales in February 2018. The following provisions were adopted in the ordinance:

- Applicants looking to expand their licensed premises for the purpose of Click & Collect must file a detailed operations plan with the application including the protocol for assuring underage and intoxicated persons are unable to

Wine “Clubs” and other Direct Shippers are not analogous to Click & Collect

While there are some similarities, direct shipment of wine is not analogous to Click & Collect:

- Wine is not part of a larger purchase that includes a range of products.
- Direct shippers are vintners, not local retailers as in Click & Collect.
- Licensing direct shipping of wine is the statutory responsibility of the Wisconsin Department of Revenue, while local alcohol retailing is the statutory responsibility of municipal government.

An out-of-state winery holding a Direct Shipper’s Permit from the Wisconsin Department of Revenue may ship their products directly to individuals in Wisconsin. The delivery must be face-to-face, with a signed receipt indicating the recipient is age 21 or older. A Wisconsin resident may have only 108 liters (about 140 bottles/12 cases) shipped directly to them annually. A Direct Shipper’s Permit is also required for Wisconsin wineries to ship out of the state.

This is a rapidly evolving issue and ordinances may have changed since this summary was written, so please feel welcome to contact the Wisconsin Alcohol Policy Project with your questions or specific situations. As with other license changes, once the licensed premises are expanded to accommodate Click & Collect, local options are limited.

## Wisconsin Alcohol Policy Project

Comprehensive Injury Center, Medical College of Wisconsin  
Please contact us for questions, technical assistance, or training.

Maureen Busalacchi, Director, [mbusalacchi@mcw.edu](mailto:mbusalacchi@mcw.edu)

Felice Boris Rudin, Policy Analyst, [fborisrudin@mcw.edu](mailto:fborisrudin@mcw.edu)

<https://www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project>

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