

SUBSTITUTE FOR  
SENATE BILL NO. 356

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
(MCL 436.1101 to 436.2303) by adding section 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 502. (1) THE COMMISSION SHALL ISSUE A SALESPERSON LICENSE  
2        TO AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED A SALESPERSON  
3        ACCREDITATION PROGRAM UNDER SUBSECTION (6) AND WHO IS A DESIGNATED  
4        EMPLOYEE OF ANY OF THE FOLLOWING PERSONS:

5            (A) A MANUFACTURER OF BEER.

6            (B) A MANUFACTURER OF WINE.

7            (C) AN OUTSTATE SELLER OF BEER.

8            (D) AN OUTSTATE SELLER OF WINE.

9            (E) A WHOLESALER.

10        (2) A SALESPERSON LICENSE ISSUED UNDER THIS SECTION AFTER THE

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION BUT  
2 BEFORE APRIL 30, 2020 EXPIRES ON APRIL 30, 2020. A SALESPERSON  
3 LICENSE ISSUED ON OR AFTER APRIL 30, 2020 EXPIRES APRIL 30 OF EVERY  
4 THIRD YEAR AFTER THE SALESPERSON LICENSE WAS ISSUED.

5 (3) THE COMMISSION SHALL NOT ISSUE A SALESPERSON LICENSE UNDER  
6 THIS SECTION UNLESS THE APPLICANT SUBMITS WITH HIS OR HER  
7 APPLICATION WRITTEN DOCUMENTATION THAT THE APPLICANT HAS  
8 SUCCESSFULLY COMPLETED A SALESPERSON ACCREDITATION PROGRAM. THE  
9 COMMISSION SHALL NOT RENEW A SALESPERSON LICENSE UNDER THIS SECTION  
10 UNLESS THE LICENSEE SUBMITS WITH HIS OR HER APPLICATION PROOF  
11 ACCEPTABLE TO THE COMMISSION THAT THE LICENSEE HAS SUCCESSFULLY  
12 COMPLETED A SALESPERSON ACCREDITATION PROGRAM NO MORE THAN 120 DAYS  
13 BEFORE THE DATE THE LICENSEE SUBMITS HIS OR HER RENEWAL  
14 APPLICATION.

15 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), AN INDIVIDUAL SHALL  
16 NOT SELL, DELIVER, PROMOTE, OR OTHERWISE ASSIST IN THE SALE OF  
17 ALCOHOLIC LIQUOR IN ANY MANNER TO A RETAILER IN THIS STATE UNLESS  
18 LICENSED UNDER THIS SECTION.

19 (5) THIS SECTION DOES NOT REQUIRE AN INDIVIDUAL WHO IS AT  
20 LEAST 18 YEARS OF AGE AND WHO ONLY DOES ANY OF THE FOLLOWING TO BE  
21 LICENSED AS A SALESPERSON:

22 (A) BUILDS A DISPLAY OF THOSE BRANDS THAT ARE REPRESENTED OR  
23 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

24 (B) MARKS THE PRICE ON THOSE BRANDS THAT ARE REPRESENTED OR  
25 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

26 (C) ROTATES BRANDS THAT ARE REPRESENTED OR SOLD BY THE  
27 INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

1 (D) PLACES BRANDS THAT ARE REPRESENTED OR SOLD BY THE  
2 INDIVIDUAL'S EMPLOYER ON SHELVES FOR AN OFF-PREMISES RETAILER.

3 (E) THE HOLDER OF A MICHIGAN COMMERCIAL DRIVER LICENSE OR  
4 CHAUFFEUR'S LICENSE WHO TRANSPORTS, IN A VEHICLE LICENSED BY THE  
5 COMMISSION UNDER SECTION 525, AND DELIVERS ALCOHOLIC LIQUOR TO A  
6 RETAILER.

7 (6) THE COMMISSION SHALL APPROVE A SALESPERSON LICENSE  
8 ACCREDITATION PROGRAM DESIGNED FOR SALESPERSON LICENSEES IF THE  
9 COMMISSION DETERMINES THAT THE PROGRAM'S CURRICULUM INCLUDES AN  
10 UNDERSTANDING OF ALL OF THE FOLLOWING:

11 (A) SECTION 609.

12 (B) SECTION 609A.

13 (C) SECTION 609B.

14 (D) THE PROVISIONS OF SECTION 1013 THAT REQUIRE THE SALE OR  
15 PURCHASE OF ALCOHOLIC LIQUOR BY A LICENSEE FOR CASH ONLY.

16 (E) R 436.1315 OF THE MICHIGAN ADMINISTRATIVE CODE.

17 (F) R 436.1319 OF THE MICHIGAN ADMINISTRATIVE CODE.

18 (G) R 436.1726 OF THE MICHIGAN ADMINISTRATIVE CODE.

19 (H) THE COMMISSION'S ORDER FOR ON-PREMISES BRAND PROMOTIONS  
20 ISSUED OCTOBER 27, 1999.

21 (I) THE COMMISSION'S ADMINISTRATIVE ORDER 2016-05 FOR PRODUCT  
22 ADJUSTMENTS.

23 (7) A PERSON DESCRIBED IN SUBSECTION (1) (A) TO (E) OR A  
24 QUALIFIED TRADE ASSOCIATION MAY APPLY TO THE COMMISSION FOR  
25 QUALIFICATION AS AN ADMINISTRATOR FOR THE OFFERING OF A SALESPERSON  
26 ACCREDITATION PROGRAM.

27 (8) ON APPROVAL OF A SALESPERSON ACCREDITATION PROGRAM UNDER

1 SUBSECTION (6), THE COMMISSION SHALL APPOINT THE PERSON OR  
2 QUALIFIED TRADE ASSOCIATION SPONSORING THE SALESPERSON  
3 ACCREDITATION PROGRAM AS ADMINISTRATOR OF THAT PROGRAM.

4 (9) AS USED IN THIS SECTION:

5 (A) "ADMINISTRATOR" MEANS A PERSON DESCRIBED IN SUBSECTION  
6 (1) (A) TO (E) OR A QUALIFIED TRADE ASSOCIATION AUTHORIZED BY THE  
7 COMMISSION TO OFFER SALESPERSON ACCREDITATION PROGRAMS.

8 (B) "DESIGNATED EMPLOYEE" MEANS AN INDIVIDUAL WHO SELLS,  
9 DELIVERS, PROMOTES, OR OTHERWISE ASSISTS IN THE SALE OF ALCOHOLIC  
10 LIQUOR.

11 (C) "QUALIFIED TRADE ASSOCIATION" MEANS A TRADE ASSOCIATION  
12 THAT REPRESENTS A PERSON DESCRIBED IN SUBSECTION (1) (A) TO (E) THAT  
13 EMPLOYS INDIVIDUALS TO ACT AS SALESPERSONS.

14 (D) "SALESPERSON ACCREDITATION PROGRAM" MEANS A PROGRAM THAT  
15 THE COMMISSION APPROVES UNDER SUBSECTION (6) AND THAT IS OFFERED BY  
16 AN ADMINISTRATOR.

17 Enacting section 1. This amendatory act takes effect 180 days  
18 after the date it is enacted into law.