

**SUBSTITUTE FOR
HOUSE BILL NO. 5354**

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 405 (MCL 436.1405), as amended by 2014 PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 405. (1) Subject to section 407, the commission shall
2 issue a brewpub license to a person ~~who~~**that** is licensed as a food
3 service establishment under the food law, 2000 PA 92, MCL 289.1101
4 to 289.8111, and ~~who~~**that** at the time of application for the
5 brewpub license is licensed and continues to be licensed as 1 or
6 more of the following:

7 (a) Class C.

8 (b) Tavern.

9 (c) Class A hotel.



1 (d) Class B hotel.

2 (2) A brewpub shall possess the necessary equipment for a
3 satisfactory operation ~~which shall~~ **that must** be maintained in good
4 working order and in a sanitary condition.

5 (3) Agricultural products processed by a manufacturer ~~shall~~
6 **must** comply with state law and with rules of the ~~department of~~
7 ~~agriculture.~~ **United States Department of Agriculture.**

8 ~~(4) A brewpub shall not sell beer in this state unless it~~
9 ~~provides for each brand or type of beer sold a label that~~
10 ~~truthfully describes the content of each container and provides~~
11 ~~proof that a valid "application for and certification/exemption of~~
12 ~~label/bottle approval" has been obtained and is unrevoked under the~~
13 ~~federal malt beverage labeling requirements as published in 27 CFR~~
14 ~~7.20 to 7.29, which are hereby adopted by reference.~~

15 ~~(4)~~ ~~(5)~~ Each location of a brewpub ~~shall~~ **must** have a
16 manufacturing operation on the licensed premises that complies with
17 subsection ~~(6)~~. ~~(5)~~. A brewpub shall apply for and obtain a license
18 for each location of ~~that~~ **the** brewpub. In determining the 18,000-
19 barrel threshold, all brands and labels of the brewpub produced in
20 this state ~~shall~~ **must** be combined.

21 ~~(5)~~ ~~(6)~~ Beer ~~shall~~ **must** be manufactured ~~pursuant to~~ **under**
22 federal malt beverage regulations published in 27 CFR 25.1 to
23 25.301, which are hereby adopted by reference.

24 ~~(6)~~ ~~(7)~~ Each brewpub shall submit to the commission, on forms
25 acceptable to the commission and postmarked not later than January
26 15, April 15, July 15, and October 15 of each year, a beer tax
27 report of all beer sold under ~~their~~ **its** brewpub license during the
28 preceding quarter. Each brewpub shall also submit, with the beer
29 tax report, the payment of the required beer excise tax due



1 ~~pursuant to~~ **under** section 409.

2 (7) ~~(8)~~ A brewpub ~~shall~~ **must** be the holder of a "brewers
3 notice" as issued by the United States ~~department of treasury,~~
4 ~~alcohol and tobacco tax and trade bureau~~ **Department of Treasury,**
5 **Alcohol and Tobacco Tax and Trade Bureau** in accordance with 27 CFR
6 25.61 to 25.85.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 100th Legislature are
9 enacted into law:

- 10 (a) House Bill No. 5341.
- 11 (b) House Bill No. 5342.
- 12 (c) House Bill No. 5343.
- 13 (d) House Bill No. 5344.
- 14 (e) House Bill No. 5345.
- 15 (f) House Bill No. 5346.
- 16 (g) House Bill No. 5347.
- 17 (h) House Bill No. 5348.
- 18 (i) House Bill No. 5349.
- 19 (j) House Bill No. 5350.
- 20 (k) House Bill No. 5351.
- 21 (l) House Bill No. 5352.
- 22 (m) House Bill No. 5353.
- 23 (n) House Bill No. 5355.
- 24 (o) House Bill No. 5400.

