

SENATE BILL No. 96

January 28, 2003, Introduced by Senator JOHNSON and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending sections 537 and 1025 (MCL 436.1537 and 436.2025),
section 537 as amended by 2001 PA 223 and section 1025 as amended
by 2002 PA 725.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 537. (1) The following classes of vendors may sell

2 alcoholic liquors at retail as provided in this section:

3 (a) Taverns where beer and wine may be sold for consumption
4 on the premises only.

5 (b) Class C license where beer, wine, mixed spirit drink, and
6 spirits may be sold for consumption on the premises.

7 (c) Clubs where beer, wine, mixed spirit drink, and spirits
8 may be sold for consumption on the premises only to bona fide
9 members where consumption is limited to these members and their

1 bona fide guests, who have attained the age of 21 years.

2 (d) Hotels of class A where beer and wine may be sold for
3 consumption on the premises and in the rooms of bona fide
4 registered guests. Hotels of class B where beer, wine, mixed
5 spirit drink, and spirits may be sold for consumption on the
6 premises and in the rooms of bona fide registered guests.

7 (e) Specially designated merchants, where beer and wine may
8 be sold for consumption off the premises only.

9 (f) Specially designated distributors where spirits and mixed
10 spirit drink may be sold for consumption off the premises only.

11 (g) Special licenses where beer and wine or beer, wine, mixed
12 spirit drink, and spirits may be sold for consumption on the
13 premises only.

14 (h) Dining cars or other railroad or Pullman cars,
15 watercraft, or aircraft, where alcoholic liquor may be sold for
16 consumption on the premises only, subject to rules promulgated by
17 the commission.

18 (i) Brewpubs where beer manufactured on the premises by the
19 licensee may be sold for consumption on or off the premises by
20 any of the following licensees:

21 (i) Class C.

22 (ii) Tavern.

23 (iii) Class A hotel.

24 (iv) Class B hotel.

25 (j) Micro brewers where beer produced by the micro brewer may
26 be sold to a consumer for consumption on or off the brewery
27 premises.

1 (k) Class G-1 license where beer, wine, mixed spirit drink,
2 and spirits may be sold for consumption on the premises only to
3 members required to pay an annual membership fee and consumption
4 is limited to these members and their bona fide guests.

5 (l) Class G-2 license where beer and wine may be sold for
6 consumption on the premises only to members required to pay an
7 annual membership fee and consumption is limited to these members
8 and their bona fide guests.

9 (2) A wine maker may sell wine made by that wine maker in a
10 restaurant for consumption on or off the premises if the
11 restaurant is owned by the wine maker or operated by another
12 person under an agreement approved by the commission and located
13 on the premises where the wine maker is licensed.

14 (3) A wine maker, with the prior written approval of the
15 commission, may conduct wine tastings of wines made by that wine
16 maker and may sell the wine made by that wine maker for
17 consumption off the premises at a location other than the
18 premises where the wine maker is licensed to manufacture wine,
19 under the following conditions:

20 (a) The premises upon which the wine tasting occurs conforms
21 to local and state sanitation requirements.

22 (b) Payment of a \$100.00 fee per location is made to the
23 commission.

24 (c) The wine tasting locations ~~shall be~~ **are** considered
25 licensed premises.

26 (d) Wine tasting does not take place between the hours of 2
27 a.m. and 7 a.m. Monday through Saturday, or between 2 a.m. and

1 12 noon on Sunday.

2 (e) The premises and the licensee comply with and are subject
3 to all applicable rules promulgated by the commission.

4 (4) Notwithstanding section 1025(1), a specially designated
5 merchant, who does not hold a license allowing the consumption of
6 alcoholic liquor on the premises at the same licensed address,
7 may conduct wine tastings on the licensed premises under the
8 following conditions:

9 (a) A customer is not charged for the tasting of wine.

10 (b) The tasting samples provided to a customer do not exceed
11 1 ounce per serving and not more than 6 servings for a total of 6
12 ounces are provided to a customer within a 24-hour period.

13 (c) The licensee has first obtained a wine tasting permit
14 approved by the commission and paid a \$50.00 annual fee per
15 location.

16 (5) During the time the wine tasting is conducted, the
17 licensee, an agent, or an employee of the licensee who has
18 successfully completed a server training program as provided for
19 in section 906 shall devote full time to the wine tasting
20 activity and shall perform no other duties, including the sale of
21 alcoholic liquor for consumption off the licensed premises. Wine
22 used for the tasting must come from the specially designated
23 merchant's inventory, and all open bottles must be removed from
24 the premises on the same business day or resealed and stored in a
25 locked, separate storage compartment on the licensed premises
26 when not being used for the activities allowed by the permit.

27 (6) A manufacturer, wholesaler, outstate seller of wine, wine

1 maker, or salesperson is prohibited from conducting or
2 participating in wine tastings allowed by the permit created in
3 subsection (4).

4 (7) Wine tasting under subsection (4) may only be conducted
5 during the legal hours for sale of alcoholic liquor by the
6 licensee.

7 Sec. 1025. (1) A vendor shall not give away any alcoholic
8 liquor of any kind or description at any time in connection with
9 his or her business, except manufacturers for consumption on the
10 premises only.

11 (2) Subsection (1) does not prevent any of the following:

12 (a) A vendor of spirits, brewer, mixed spirit drink
13 manufacturer, wine maker, small wine maker, outstate seller of
14 beer, outstate seller of wine, or outstate seller of mixed spirit
15 drink, or a bona fide market research organization retained by 1
16 of the persons named in this subsection, from conducting
17 samplings or tastings of an alcoholic liquor product before it is
18 approved for sale in this state, if the sampling or tasting is
19 conducted pursuant to prior written approval of the commission.

20 (b) A person from conducting of any sampling or tasting
21 authorized by **section 537 or** rule of the commission.

22 (c) A class A or B hotel designed to attract and accommodate
23 tourists and visitors in a resort area from giving away alcoholic
24 liquor to an invitee or guest in connection with a business event
25 or as a part of a room special or promotion for overnight
26 accommodations.

27 (3) A vendor shall not sell an alcoholic liquor to a person

1 in an intoxicated condition.