

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

**Introduced by Senator Johnson**

**ENROLLED SENATE BILL No. 50**

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," (MCL 436.1101 to 436.2303) by adding section 545.

*The People of the State of Michigan enact:*

Sec. 545. (1) As used in this section:

(a) "Private event" means an event where no consideration, as defined in section 913(5), is paid by the guests.

(b) "Catering permit" means a permit issued by the commission to a public on-premises licensee who is licensed for the sale of beer, wine, and spirits and is also licensed as a food service establishment under the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111, that enables the permit holder to sell and deliver beer, wine, and spirits in the original sealed container to a person for off-premises consumption so long as the sale is not by the glass or drink and requires the permit holder to provide the service of the beer, wine, and spirits. Issuance of the permit does not allow the permit holder to deliver beer, wine, and spirits but not serve the beer, wine, and spirits.

(2) Spirits sold by an on-premises licensee under the catering permit authorized by this section shall not be sold at less than the minimum retail price fixed by the commission and pursuant to rules promulgated by the commission for specially designated distributors pursuant to section 229.

(3) The commission may issue a catering permit to a public on-premises licensee, as a supplement to that on-premises license, to allow the sale and delivery of beer, wine, and spirits in the original sealed container at locations other than the licensed premises and to require the permit holder to provide for service of beer, wine, and spirits at the private event where the alcoholic liquor is not resold to guests. The commission shall not issue a catering permit to an applicant whose food service establishment delivers beer, wine, and spirits but does not provide for the service of the beer, wine, and spirits.

(4) This section does not limit the number of catering permits the commission may issue within any local unit of government.

(5) This section does not prevent the holder from using the catering permit at multiple locations and events during the same time period.

(6) This section does not prohibit an on-premises licensee who is also the holder of a catering permit from selling beer, wine, and spirits to a person who has obtained a special license under section 527.

(7) An applicant for a catering permit shall apply on a form approved and provided by the commission and pay an application and processing fee of \$70.00 and a catering permit fee of \$300.00 at the time of issuance. The on-premises licensee shall also pay the catering permit fee at the time of renewal of the on-premises license.

(8) A holder of a catering permit is subject to all sanctions, liabilities, and penalties provided under this act or under law.

*Carol Morey Viventi*

Secretary of the Senate

*Gay E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor