

HOUSE BILL No. 4989

June 22, 2005, Introduced by Reps. Proos, Elsenheimer, Pastor, Kolb, Drolet, Huizenga, Palmer, Vander Veen, Nitz and Palsrok and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 111 (MCL 436.1111).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 111. (1) "Person" means an individual, firm, partnership,
2 limited partnership, association, limited liability company, or
3 corporation.

4 (2) "Primary source of supply" means, in the case of domestic
5 spirits, the distiller, producer, owner of the commodity at the
6 time it becomes a marketable product, or bottler, or the exclusive
7 agent of any such person and, in the case of spirits imported into
8 the United States, either the foreign distiller, producer, owner of
9 the bottler, or the prime importer for, or the exclusive agent in

1 the United States of, the foreign distiller, producer, owner, or
2 the bottler.

3 (3) "Professional account" means an account established for a
4 person by a class C licensee or tavern licensee whose major
5 business is the sale of food, by which the licensee extends credit
6 to the person for not more than 30 days.

7 (4) "Residence" means the premises in which a person resides
8 permanently.

9 (5) **"RETAIL CUSTOMER" MEANS AN INDIVIDUAL WHO DIRECTLY**
10 **PURCHASES WINE FROM A DIRECT SHIPPER FOR HIS OR HER PERSONAL USE**
11 **AND NOT FOR RESALE.**

12 (6) ~~-(5)-~~ "Retailer" means a person licensed by the commission
13 who sells to the consumer in accordance with rules promulgated by
14 the commission.

15 (7) ~~-(6)-~~ "Sacramental wine" means wine containing not more
16 than 24% of alcohol by volume which is used for sacramental
17 purposes.

18 (8) ~~-(7)-~~ "Sale" includes the exchange, barter, traffic,
19 furnishing, or giving away of alcoholic liquor. In the case of a
20 sale in which a shipment or delivery of alcoholic liquor is made by
21 a common or other carrier, the sale of the alcoholic liquor is
22 considered to be made in the county within which the delivery of
23 the alcoholic liquor is made by that carrier to the consignee or
24 his or her agent or employee, and venue for the prosecution for
25 that sale may be in the county or city where the seller resides or
26 from which the shipment is made or at the place of delivery.

27 (9) ~~-(8)-~~ "School" includes buildings used for school purposes

1 to provide instruction to children in grades kindergarten through
2 12, when that instruction is provided by a public, private,
3 denominational, or parochial school, except those buildings used
4 primarily for adult education or college extension courses. School
5 does not include a proprietary trade or occupational school.

6 (10) ~~-(9)-~~ "Small wine maker" means a wine maker manufacturing
7 or bottling not more than 50,000 gallons of wine in 1 calendar
8 year.

9 (11) ~~-(10)-~~ "Special license" means a contract between the
10 commission and the special licensee granting authority to that
11 licensee to sell beer, wine, mixed spirit drink, or spirits. The
12 license shall be granted only to such persons and such organization
13 and for such period of time as the commission shall determine so
14 long as the person or organization is able to demonstrate an
15 existence separate from an affiliated umbrella organization. If
16 such an existence is demonstrated, the commission shall not deny a
17 special license solely by the applicant's affiliation with an
18 organization that is also eligible for a special license.

19 (12) ~~-(11)-~~ "Specially designated distributor" means a person
20 engaged in an established business licensed by the commission to
21 distribute spirits and mixed spirit drink in the original package
22 for the commission for consumption off the premises.

23 (13) ~~-(12)-~~ "Specially designated merchant" means a person to
24 whom the commission grants a license to sell beer or wine, or both,
25 at retail for consumption off the licensed premises.

26 (14) ~~-(13)-~~ "Spirits" means a beverage that contains alcohol
27 obtained by distillation, mixed with potable water or other

1 substances, or both, in solution, and includes wine containing an
2 alcoholic content of more than 21% by volume, except sacramental
3 wine and mixed spirit drink.

4 (15) ~~-(14)-~~ "State liquor store" means a store established by
5 the commission under this act for the sale of spirits in the
6 original package for consumption off the premises.

7 (16) ~~-(15)-~~ "Supplier of spirits" means a vendor of spirits, a
8 manufacturer of spirits, or a primary source of supply.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 93rd Legislature are
11 enacted into law:

12 (a) Senate Bill No.____ or House Bill No. 4987(request no.
13 01498'05 **).

14 (b) Senate Bill No.____ or House Bill No. 4990(request no.
15 03814'05).

16 (c) Senate Bill No.____ or House Bill No. 4988(request no.
17 03816'05).