

SENATE BILL No. 49

January 25, 2005, Introduced by Senator JOHNSON and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

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 on
4 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

1 may be sold for consumption on the premises only to bona fide
2 members where consumption is limited to these members and their
3 bona fide guests, who have attained the age of 21 years.

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

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

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

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

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

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

22 (i) Class C.

23 (ii) Tavern.

24 (iii) Class A hotel.

25 (iv) Class B hotel.

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

1 premises.

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

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

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

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

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

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

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

27 (d) Wine tasting does not take place between the hours of 2

1 a.m. and 7 a.m. Monday through Saturday, or between 2 a.m. and 12
2 noon on Sunday.

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

5 (4) NOTWITHSTANDING SECTION 1025(1), A SPECIALLY DESIGNATED
6 MERCHANT, WHO DOES NOT HOLD A LICENSE ALLOWING THE CONSUMPTION OF
7 ALCOHOLIC LIQUOR ON THE PREMISES AT THE SAME LICENSED ADDRESS, MAY
8 CONDUCT WINE TASTINGS ON THE LICENSED PREMISES UNDER THE FOLLOWING
9 CONDITIONS:

10 (A) A CUSTOMER IS NOT CHARGED FOR THE TASTING OF WINE.

11 (B) THE TASTING SAMPLES PROVIDED TO A CUSTOMER DO NOT EXCEED 1
12 OUNCE PER SERVING AND NOT MORE THAN 6 SERVINGS FOR A TOTAL OF 6
13 OUNCES ARE PROVIDED TO A CUSTOMER WITHIN A 24-HOUR PERIOD.

14 (C) THE LICENSEE HAS FIRST OBTAINED A WINE TASTING PERMIT
15 APPROVED BY THE COMMISSION AND PAID A \$50.00 ANNUAL FEE PER
16 LOCATION.

17 (5) DURING THE TIME A WINE TASTING CONDUCTED UNDER SUBSECTION
18 (4) IS CONDUCTED, THE LICENSEE, OR AN AGENT OR EMPLOYEE OF THE
19 LICENSEE, WHO HAS SUCCESSFULLY COMPLETED A SERVER TRAINING PROGRAM
20 AS PROVIDED FOR IN SECTION 906 SHALL DEVOTE FULL TIME TO THE WINE
21 TASTING ACTIVITY AND SHALL PERFORM NO OTHER DUTIES, INCLUDING THE
22 SALE OF ALCOHOLIC LIQUOR FOR CONSUMPTION OFF THE LICENSED PREMISES.
23 WINE USED FOR THE TASTING MUST COME FROM THE SPECIALLY DESIGNATED
24 MERCHANT'S INVENTORY, AND ALL OPEN BOTTLES MUST BE REMOVED FROM THE
25 PREMISES ON THE SAME BUSINESS DAY OR RESEALED AND STORED IN A
26 LOCKED, SEPARATE STORAGE COMPARTMENT ON THE LICENSED PREMISES WHEN
27 NOT BEING USED FOR THE ACTIVITIES ALLOWED BY THE PERMIT.

1 (6) A MANUFACTURER, WHOLESALER, OUTSTATE SELLER OF WINE, WINE
2 MAKER, OR SALESPERSON IS PROHIBITED FROM CONDUCTING OR
3 PARTICIPATING IN WINE TASTINGS ALLOWED BY THE PERMIT CREATED IN
4 SUBSECTION (4) .

5 (7) A WINE TASTING UNDER SUBSECTION (4) MAY ONLY BE CONDUCTED
6 DURING THE LEGAL HOURS FOR SALE OF ALCOHOLIC LIQUOR BY THE
7 LICENSEE.

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

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

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

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

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

1 (3) A vendor shall not sell an alcoholic liquor to a person in
2 an intoxicated condition.