

HOUSE BILL No. 4378

March 3, 2011, Introduced by Reps. Gilbert, Horn, Lyons, Rendon, Yonker, Hughes, Shirkey, Foster, Irwin and Roy Schmidt and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 547.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 547. (1) AS USED IN THIS SECTION:

2 (A) "PRIVATE EVENT" MEANS AN EVENT WHERE NO CONSIDERATION, AS
3 DEFINED IN SECTION 913(5), IS PAID BY THE GUESTS.

4 (B) "CATERING PERMIT" MEANS A PERMIT ISSUED BY THE COMMISSION
5 TO A HOLDER OF A PUBLIC ON-PREMISES LICENSE FOR THE SALE OF BEER,
6 WINE, OR SPIRITS, OR ANY COMBINATION THEREOF, AND THAT IS ALSO
7 LICENSED AS A FOOD SERVICE ESTABLISHMENT UNDER THE FOOD LAW OF
8 2000, 2000 PA 92, MCL 289.1101 TO 289.8111, WHICH PERMIT AUTHORIZES

1 THE PERMIT HOLDER TO SELL AND DELIVER BEER, WINE, AND SPIRITS IN
2 THE ORIGINAL SEALED CONTAINER TO A PERSON FOR OFF-PREMISES
3 CONSUMPTION BUT ONLY IF THE SALE IS NOT BY THE GLASS OR DRINK AND
4 THE PERMIT HOLDER PROVIDES THE SERVICE OF THE BEER, WINE, OR
5 SPIRITS. THE PERMIT DOES NOT ALLOW THE PERMIT HOLDER TO DELIVER,
6 BUT NOT SERVE, THE BEER, WINE, OR SPIRITS.

7 (2) THE COMMISSION MAY ISSUE A CATERING PERMIT TO A PUBLIC ON-
8 PREMISES LICENSEE, AS A SUPPLEMENT TO THAT ON-PREMISES LICENSE, TO
9 ALLOW THE SALE AND DELIVERY OF BEER, WINE, OR SPIRITS IN THE
10 ORIGINAL SEALED CONTAINER AT LOCATIONS OTHER THAN THE LICENSED
11 PREMISES AND TO REQUIRE THE PERMIT HOLDER TO PROVIDE FOR SERVICE OF
12 BEER, WINE, OR SPIRITS AT THE PRIVATE EVENT WHERE THE ALCOHOLIC
13 LIQUOR IS NOT RESOLD TO GUESTS. THE COMMISSION SHALL NOT ISSUE A
14 CATERING PERMIT TO AN APPLICANT WHOSE FOOD SERVICE ESTABLISHMENT
15 DELIVERS BEER, WINE, OR SPIRITS BUT DOES NOT PROVIDE FOR THE
16 SERVICE OF THE BEER, WINE, OR SPIRITS.

17 (3) THIS SECTION DOES NOT LIMIT THE NUMBER OF CATERING PERMITS
18 THE COMMISSION MAY ISSUE WITHIN ANY LOCAL UNIT OF GOVERNMENT.

19 (4) THIS SECTION DOES NOT PREVENT THE HOLDER FROM USING THE
20 CATERING PERMIT AT MULTIPLE LOCATIONS AND EVENTS DURING THE SAME
21 TIME PERIOD.

22 (5) NOTWITHSTANDING SUBSECTION (2), THIS SECTION DOES NOT
23 PROHIBIT A HOLDER OF A CATERING PERMIT FROM SELLING BEER, WINE, OR
24 SPIRITS TO A PERSON WHO HAS OBTAINED A SPECIAL LICENSE UNDER
25 SECTION 527.

26 (6) AN APPLICANT FOR A CATERING PERMIT SHALL APPLY ON A FORM
27 APPROVED AND PROVIDED BY THE COMMISSION AND PAY AN APPLICATION AND

1 PROCESSING FEE OF \$70.00 AND A CATERING PERMIT FEE OF \$100.00 AT
2 THE TIME OF ISSUANCE. THE ON-PREMISES LICENSEE SHALL ALSO PAY THE
3 CATERING PERMIT FEE AT THE TIME OF RENEWAL OF THE ON-PREMISES
4 LICENSE.

5 (7) THE PERSON DELIVERING THE BEER, WINE, OR SPIRITS SHALL
6 VERIFY THAT THE PERSON ACCEPTING DELIVERY IS AT LEAST 21 YEARS OF
7 AGE. THE CATERING PERMIT HOLDER MAY UTILIZE A THIRD PARTY THAT
8 PROVIDES DELIVERY SERVICE TO MUNICIPALITIES IN THIS STATE THAT ARE
9 SURROUNDED BY WATER AND INACCESSIBLE BY MOTOR VEHICLE TO DELIVER
10 BEER, WINE, OR SPIRITS TO THE DESIGNATED LOCATION OF THE PRIVATE
11 EVENT SO LONG AS THE DELIVERY SERVICE IS APPROVED BY THE COMMISSION
12 AND AGREES TO VERIFY THAT THE PERSON ACCEPTING DELIVERY OF THE
13 BEER, WINE, OR SPIRITS IS AT LEAST 21 YEARS OF AGE.

14 (8) THE CATERING PERMIT HOLDER PROVIDING THE SERVICE, OR AN
15 EMPLOYEE OF THE CATERING PERMIT HOLDER, MUST HAVE SUCCESSFULLY
16 COMPLETED A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION.

17 (9) THE CATERING PERMIT HOLDER DELIVERING THE BEER, WINE, OR
18 SPIRITS, OR AN EMPLOYEE OF THE PERMIT HOLDER, SHALL HAVE IN HIS OR
19 HER POSSESSION WHILE DELIVERING THE BEER, WINE, OR SPIRITS
20 DOCUMENTATION DEMONSTRATING THAT THE BEER, WINE, OR SPIRITS BEING
21 DELIVERED ARE FOR A PRIVATE EVENT BEING CONDUCTED PURSUANT TO THIS
22 SECTION.

23 (10) A HOLDER OF A CATERING PERMIT IS SUBJECT TO ALL
24 SANCTIONS, LIABILITIES, AND PENALTIES PROVIDED UNDER THIS ACT OR
25 UNDER LAW.