

# HOUSE BILL No. 5486

March 17, 2016, Introduced by Reps. Plawecki, Liberati, Wittenberg, Cochran, Hoadley, Chirkun, Dianda, Love and Greig 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 1021 (MCL 436.2021), as amended by 2013 PA 235.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1021. (1) The commission shall not require a licensee to  
2 sell or serve food to a purchaser of alcoholic liquor. The  
3 commission shall not require a class A hotel or class B hotel to  
4 provide food services to registered guests or to the public.

5           (2) Except as otherwise provided in **SECTION 537(14) AND**  
6 subsection (3), a purchaser shall not remove alcoholic liquor sold  
7 by a vendor for consumption on the premises from those premises.

8           (3) A vendor licensed to sell wine on the premises may allow  
9 an individual who has purchased a meal and who has purchased and

1 partially consumed a bottle of wine with the meal, to remove the  
2 partially consumed bottle from the premises ~~upon~~**ON** departure. This  
3 subsection does not allow the removal of any additional unopened  
4 bottles of wine unless the vendor is licensed as a specially  
5 designated merchant. The licensee or the licensee's clerk, agent,  
6 or employee shall cap the bottle or reinsert a cork so that the top  
7 of the cork is level with the lip of the bottle. The transportation  
8 or possession of the partially consumed bottle of wine ~~shall~~**MUST**  
9 be in compliance with section 624a of the Michigan vehicle code,  
10 1949 PA 300, MCL 257.624a.

11 (4) This act and rules promulgated under this act do not  
12 prevent a class A or B hotel designed to attract and accommodate  
13 tourists and visitors in a resort area from allowing its invitees  
14 or guests to possess or consume, or both, on or about its premises  
15 alcoholic liquor purchased by the invitee or guest from an off-  
16 premises retailer and does not prevent a guest or invitee from  
17 entering and exiting the licensed premises with alcoholic liquor  
18 purchased from an off-premises retailer.

19 (5) Notwithstanding section 901(6), an on-premises licensee  
20 may, in a manner as determined by that licensee, allow for the  
21 consumption of wine that is produced by a wine maker, a small wine  
22 maker, or an out-of-state entity that is the substantial equivalent  
23 of a wine maker or small wine maker and that is brought into the  
24 licensed premises in its original sealed container by a consumer  
25 who is not prohibited under this act from possessing wine. The  
26 licensee shall not allow the consumer to remove a partially  
27 consumed bottle of wine brought by the consumer unless the licensee

1 or the licensee's clerk, agent, or employee caps the bottle or  
2 reinserts the cork so that the top of the cork is level with the  
3 lip of the bottle. The licensee may charge a corkage fee for each  
4 bottle of wine brought by the consumer and opened on the premises  
5 by the licensee or the licensee's clerk, agent, or employee. This  
6 subsection does not exempt the licensee or the consumer from any  
7 other applicable requirements, responsibilities, or sanctions  
8 imposed under this act.

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect  
12 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5485 (request no.  
13 03476'15) of the 98th Legislature is enacted into law.