

SENATE BILL No. 1167

November 8, 2018, Introduced by Senator WARREN 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 113a (MCL 436.1113a), as amended by 2010 PA 213.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 113a. (1) "TASTING ROOM" MEANS ANY OF THE FOLLOWING
2 LOCATIONS:

3 (A) A LOCATION ON THE MANUFACTURING PREMISES OF A BREWER OR
4 MICRO BREWER WHERE THE BREWER OR MICRO BREWER MAY PROVIDE SAMPLES
5 OF OR SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE PREMISES, OR
6 BOTH, BEER IT MANUFACTURES.

7 (B) A LOCATION ON OR OFF THE MANUFACTURING PREMISES OF A WINE
8 MAKER OR SMALL WINE MAKER WHERE THE WINE MAKER OR SMALL WINE MAKER
9 MAY PROVIDE SAMPLES OF OR SELL AT RETAIL FOR CONSUMPTION ON OR OFF

1 THE PREMISES, OR BOTH, SHINERS, WINE IT MANUFACTURED, OR, FOR A
2 SMALL WINE MAKER ONLY, WINE IT BOTTLED.

3 (C) A LOCATION ON OR OFF THE MANUFACTURING PREMISES OF A
4 DISTILLER OR SMALL DISTILLER WHERE THE DISTILLER OR SMALL DISTILLER
5 MAY PROVIDE SAMPLES OF OR SELL AT RETAIL FOR CONSUMPTION ON OR OFF
6 THE PREMISES, OR BOTH, SPIRITS IT MANUFACTURED.

7 (D) A LOCATION ON THE MANUFACTURING PREMISES OF A MIXED SPIRIT
8 DRINK MANUFACTURER WHERE THE MIXED SPIRIT DRINK MANUFACTURER MAY
9 PROVIDE SAMPLES OF OR SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE
10 PREMISES, OR BOTH, MIXED SPIRIT DRINKS IT MANUFACTURED.

11 (E) A LOCATION ON OR OFF THE MANUFACTURING PREMISES OF A
12 BRANDY MANUFACTURER WHERE THE BRANDY MANUFACTURER MAY PROVIDE
13 SAMPLES OF OR SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE
14 PREMISES, OR BOTH, BRANDY IT MANUFACTURED.

15 (2) ~~(1)~~—"Tavern" means any place licensed to sell at retail
16 beer and wine for consumption on the premises only.

17 (3) ~~(2)~~—"Vehicle" means any means of transportation by land,
18 by water, or by air.

19 (4) ~~(3)~~—"Vendor" means a person licensed by the commission to
20 sell alcoholic liquor.

21 (5) ~~(4)~~—"Vendor of spirits" means a person selling spirits to
22 the commission.

23 (6) ~~(5)~~—"Warehouse" means a premises or place primarily
24 constructed, used, or provided with facilities for the storage in
25 transit or other temporary storage of perishable goods or for the
26 conduct of a warehousing business, or for both.

27 (7) ~~(6)~~—"Warehouser" means a licensee authorized by the

1 commission to store alcoholic liquor, but prohibited from making
2 sales or deliveries to retailers unless the licensee is also the
3 holder of a wholesaler license issued by the commission.

4 (8) ~~(7)~~—"Wholesaler" means a person who is licensed by the
5 commission and sells beer, wine, or mixed spirit drink only to
6 retailers or other licensees, and who sells sacramental wine as
7 provided in section 301. A wholesaler includes a person who may
8 also act as a master distributor unless prohibited from doing so by
9 its supplier or manufacturer in a written agreement required by
10 either section 305(3)(i) or 403(3)(i) and, by mutual agreement with
11 an outstate seller of beer or wine, can be authorized by the
12 outstate seller of beer or wine to do, in the manner provided by
13 the commission, either or both of the following:

14 (a) Register with ~~the~~**THIS** state ~~of Michigan~~ the labels of the
15 outstate seller of beer or wine.

16 (b) On behalf of the outstate seller of beer or wine, collect
17 excise taxes levied by ~~the~~**THIS** state ~~of Michigan~~ and remit the
18 taxes to the commission.

19 (9) ~~(8)~~—"Wine" means the product made by the normal alcoholic
20 fermentation of the juice of sound, ripe grapes, or any other fruit
21 with the usual cellar treatment, and containing not more than 21%
22 of alcohol by volume, including **CIDER MADE FROM APPLES OR PEARS, OR**
23 **BOTH, WHICH CONTAINS AT LEAST 1/2 OF 1% ALCOHOL BY VOLUME, OR MEAD**
24 **OR HONEY WINE MADE FROM HONEY**, fermented fruit juices other than
25 grapes, and mixed wine drinks.

26 (10) ~~(9)~~—"Wine maker" means any person licensed by the
27 commission to manufacture wine, to sell that wine to a wholesaler,

1 to sell that wine by direct shipment to a consumer, at retail on
2 the licensed winery premises, and as provided for in section 537
3 but not to sell wine to a retailer.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 1156

6 of the 99th Legislature is enacted into law.