

SENATE BILL No. 356

May 2, 2017, Introduced by Senators HUNE, WARREN, HANSEN, HORN, BRANDENBURG, O'BRIEN, GREEN, ROCCA, GREGORY, HERTEL, KNEZEK, ANANICH, SCHUITMAKER, PROOS, ROBERTSON, PAVLOV, HOPGOOD, HOOD, KOWALL, STAMAS, CASPERSON, BIEDA, JONES, NOFS, MARLEAU, EMMONS, MACGREGOR, ZORN and 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 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 502. (1) THE COMMISSION SHALL ISSUE A SALESPERSON LICENSE
2 TO AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED A SALESPERSON
3 ACCREDITATION PROGRAM UNDER SUBSECTION (5) AND WHO IS A DESIGNATED
4 EMPLOYEE OF ANY OF THE FOLLOWING PERSONS:

5 (A) A VENDOR OF SPIRITS.

6 (B) A BROKER.

7 (C) A MANUFACTURER OF BEER.

8 (D) A MANUFACTURER OF WINE.

9 (E) AN OUTSTATE SELLER OF BEER.

10 (F) AN OUTSTATE SELLER OF WINE.

1 (G) A WHOLESALER.

2 (2) THE COMMISSION SHALL NOT ISSUE A SALESPERSON LICENSE UNDER
3 THIS SECTION UNLESS THE APPLICANT SUBMITS WITH HIS OR HER
4 APPLICATION WRITTEN DOCUMENTATION THAT THE APPLICANT SUCCESSFULLY
5 COMPLETED A SALESPERSON ACCREDITATION PROGRAM UNDER SUBSECTION (5).

6 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), AN INDIVIDUAL SHALL
7 NOT SELL, DELIVER, PROMOTE, OR OTHERWISE ASSIST IN THE SALE OF
8 ALCOHOLIC LIQUOR IN ANY MANNER TO A RETAILER IN THIS STATE UNLESS
9 LICENSED UNDER THIS SECTION.

10 (4) THIS SECTION DOES NOT REQUIRE AN INDIVIDUAL WHO IS AT
11 LEAST 18 YEARS OF AGE AND WHO ONLY DOES ANY OF THE FOLLOWING TO BE
12 LICENSED AS A SALESPERSON:

13 (A) BUILDS A DISPLAY OF THOSE BRANDS THAT ARE REPRESENTED OR
14 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

15 (B) MARKS THE PRICE ON THOSE BRANDS THAT ARE REPRESENTED OR
16 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

17 (C) ROTATES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
18 INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

19 (D) PLACES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
20 INDIVIDUAL'S EMPLOYER ON SHELVES FOR AN OFF-PREMISES RETAILER.

21 (E) THE HOLDER OF A MICHIGAN COMMERCIAL DRIVER LICENSE WHO
22 TRANSPORTS, IN A VEHICLE LICENSED BY THE COMMISSION UNDER SECTION
23 525, AND DELIVERS ALCOHOLIC LIQUOR TO A RETAILER.

24 (5) THE COMMISSION SHALL APPROVE A SALESPERSON LICENSE
25 ACCREDITATION PROGRAM DESIGNED FOR SALESPERSON LICENSEES IF THE
26 ATTORNEY GENERAL OR HIS OR HER DESIGNATED ASSISTANT ATTORNEY
27 GENERAL CERTIFIES THAT THE PROGRAM'S CURRICULUM INCLUDES AN

1 UNDERSTANDING OF ALL OF THE FOLLOWING:

2 (A) SECTION 609.

3 (B) SECTION 609A.

4 (C) SECTION 609B.

5 (D) THE PROVISIONS OF SECTION 1013 THAT REQUIRE THE SALE OR
6 PURCHASE OF ALCOHOLIC LIQUOR BY A LICENSEE FOR CASH ONLY.

7 (E) R 436.1315 OF THE MICHIGAN ADMINISTRATIVE CODE.

8 (F) R 436.1319 OF THE MICHIGAN ADMINISTRATIVE CODE.

9 (G) R 436.1726 OF THE MICHIGAN ADMINISTRATIVE CODE.

10 (H) THE COMMISSION'S ORDER FOR ON-PREMISES BRAND PROMOTIONS
11 ISSUED OCTOBER 27, 1999.

12 (I) THE COMMISSION'S ADMINISTRATIVE ORDER 2016-05 FOR PRODUCT
13 ADJUSTMENTS.

14 (6) A PERSON MAY APPLY TO THE COMMISSION FOR QUALIFICATION AS
15 AN ADMINISTRATOR FOR THE OFFERING OF A SALESPERSON ACCREDITATION
16 PROGRAM.

17 (7) THE COMMISSION SHALL, ON CERTIFICATION OF THE ATTORNEY
18 GENERAL OR HIS OR HER DESIGNATED ASSISTANT ATTORNEY GENERAL UNDER
19 SUBSECTION (5), REAPPROVE AN APPROVED SALESPERSON ACCREDITATION
20 PROGRAM UNDER THIS SECTION EVERY 3 YEARS.

21 (8) ON APPROVAL OF A SALESPERSON ACCREDITATION PROGRAM UNDER
22 SUBSECTION (5), THE COMMISSION SHALL APPOINT THE PERSON SPONSORING
23 THE SALESPERSON ACCREDITATION PROGRAM AS ADMINISTRATOR OF THAT
24 PROGRAM.

25 (9) AS USED IN THIS SECTION:

26 (A) "ADMINISTRATOR" MEANS A QUALIFIED TRADE ASSOCIATION
27 AUTHORIZED BY THE COMMISSION TO OFFER SALESPERSON ACCREDITATION

1 PROGRAMS.

2 (B) "BROKER" MEANS THAT TERM AS DEFINED IN SECTION 609.

3 (C) "DESIGNATED EMPLOYEE" MEANS AN INDIVIDUAL WHO SELLS,
4 DELIVERS, PROMOTES, OR OTHERWISE ASSISTS IN THE SALE OF ALCOHOLIC
5 LIQUOR.

6 (D) "QUALIFIED TRADE ORGANIZATION" MEANS A TRADE ORGANIZATION
7 THAT REPRESENTS A PERSON DESCRIBED IN SUBSECTION (1)(A) TO (F) THAT
8 EMPLOYS INDIVIDUALS TO ACT AS SALESPERSONS.

9 (E) "SALESPERSON ACCREDITATION PROGRAM" MEANS A PROGRAM THAT
10 THE COMMISSION APPROVES UNDER SUBSECTION (5) AND THAT IS OFFERED BY
11 AN ADMINISTRATOR.

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