

SUBSTITUTE FOR
HOUSE BILL NO. 5811

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 537a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 537a. (1) Notwithstanding anything in this act to the
2 contrary, a qualified licensee may fill and sell qualified
3 containers with alcoholic liquor for consumption off the premises
4 under the following conditions:

5 (a) The qualified licensee or his or her agent or employee
6 does not fill the qualified container in advance of the sale.

7 (b) The qualified licensee complies with all applicable rules
8 promulgated by the commission.

9 (c) The qualified licensee or his or her agent seals the



1 qualified container.

2 (2) Notwithstanding anything in this act to the contrary, a
3 qualified licensee may deliver alcoholic liquor to a consumer in
4 this state if all of the following conditions are met:

5 (a) The qualified licensee complies with all laws of this
6 state, including, but not limited to, the prohibition on sales to
7 minors.

8 (b) The qualified licensee stamps, prints, or labels on the
9 outside of the qualified container "Contains Alcohol. Must be
10 delivered to a person 21 years of age or older.". The recipient at
11 the time of the delivery shall provide identification verifying his
12 or her age.

13 (c) The qualified licensee or his or her agent seals the
14 qualified container.

15 (d) If the qualified licensee is a retailer, the alcoholic
16 liquor is delivered by the qualified licensee's employee or a third
17 party facilitator service, as that term is defined in section 203.

18 (e) If the qualified licensee is a manufacturer, the alcoholic
19 liquor is delivered by the qualified licensee's employee.

20 (3) Except as otherwise allowed under this act, a qualified
21 licensee shall not sell alcoholic liquor in its original package
22 under this section.

23 (4) This section does not apply after December 31, 2025.

24 (5) As used in this section:

25 (a) "Consumer" means that term as defined in section 203.

26 (b) "Qualified container" means a clean, sealable container
27 that is for the sale of alcoholic liquor for consumption off the
28 premises, that has a liquid capacity that does not exceed 1 gallon,
29 and that, after it is filled, is sealed with a device or material



1 that is used to fully close off the container securely with no
2 perforations or straw holes.

3 (c) "Qualified licensee" means any of the following:

4 (i) A retailer that holds a license, other than a special
5 license, to sell alcoholic liquor for consumption on the licensed
6 premises.

7 (ii) A manufacturer with an on-premises tasting room permit
8 issued under section 536.

9 (iii) A manufacturer that holds an off-premises tasting room
10 license issued under section 536.

11 (iv) A manufacturer that holds a joint off-premises tasting
12 room license issued under section 536.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 100th legislature are
15 enacted into law:

16 (a) Senate Bill No. 942.

17 (b) House Bill No. 5781.

