

SUBSTITUTE FOR  
HOUSE BILL NO. 5354

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 405 (MCL 436.1405), as amended by 2014 PA 353.

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

- 1       Sec. 405. (1) Subject to section 407, the commission shall  
2       issue a brewpub license to a person ~~who~~**that** is licensed as a food  
3       service establishment under the food law, 2000 PA 92, MCL 289.1101  
4       to 289.8111, and ~~who~~**that** at the time of application for the  
5       brewpub license is licensed and continues to be licensed as 1 or  
6       more of the following:  
7       (a) Class C.  
8       (b) Tavern.  
9       (c) Class A hotel.



(d) Class B hotel.

(2) A brewpub shall possess the necessary equipment for a satisfactory operation ~~which shall~~ **that must** be maintained in good working order and in a sanitary condition.

(3) Agricultural products processed by a manufacturer ~~shall~~ **must** comply with state law and with rules of the ~~department of~~ agriculture. **United States Department of Agriculture.**

~~(4) A brewpub shall not sell beer in this state unless it provides for each brand or type of beer sold a label that truthfully describes the content of each container and provides proof that a valid "application for and certification/exemption of label/bottle approval" has been obtained and is unrevoked under the federal malt beverage labeling requirements as published in 27 CFR 7.20 to 7.29, which are hereby adopted by reference.~~

~~(4) (5)~~ Each location of a brewpub ~~shall~~ **must** have a manufacturing operation on the licensed premises that complies with subsection ~~(6)~~. **(5)**. A brewpub shall apply for and obtain a license for each location of ~~that~~ **the** brewpub. In determining the 18,000-barrel threshold, all brands and labels of the brewpub produced in this state ~~shall~~ **must** be combined.

**(5)** ~~(6)~~ Beer ~~shall~~ **must** be manufactured ~~pursuant to~~ **under** federal malt beverage regulations published in 27 CFR 25.1 to 25.301, which are hereby adopted by reference.

**(6)** ~~(7)~~ Each brewpub shall submit to the commission, on forms acceptable to the commission and postmarked not later than January 15, April 15, July 15, and October 15 of each year, a beer tax report of all beer sold under ~~their~~ **its** brewpub license during the preceding quarter. Each brewpub shall also submit, with the beer tax report, the payment of the required beer excise tax due



1 ~~pursuant to~~ **under** section 409.

2       (7) ~~(8)~~ A brewpub ~~shall~~ **must** be the holder of a "brewers  
3 notice" as issued by the United States ~~department of treasury,~~  
4 ~~alcohol and tobacco tax and trade bureau~~ **Department of Treasury,**  
5 **Alcohol and Tobacco Tax and Trade Bureau** in accordance with 27 CFR  
6 25.61 to 25.85.

7       Enacting section 1. This amendatory act does not take effect  
8 unless all of the following bills of the 100th Legislature are  
9 enacted into law:

- 10       (a) House Bill No. 5341.
- 11       (b) House Bill No. 5342.
- 12       (c) House Bill No. 5343.
- 13       (d) House Bill No. 5344.
- 14       (e) House Bill No. 5345.
- 15       (f) House Bill No. 5346.
- 16       (g) House Bill No. 5347.
- 17       (h) House Bill No. 5348.
- 18       (i) House Bill No. 5349.
- 19       (j) House Bill No. 5350.
- 20       (k) House Bill No. 5351.
- 21       (l) House Bill No. 5352.
- 22       (m) House Bill No. 5353.
- 23       (n) House Bill No. 5355.
- 24       (o) House Bill No. 5400.

