

# HOUSE BILL NO. 5811

May 28, 2020, Introduced by Reps. Anthony, Webber, Hood and Tyrone Carter 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 537a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 537a. (1) Notwithstanding anything in this act to the
- 2       contrary, an on-premises licensee may fill and sell qualified
- 3       containers with beer, wine, mixed spirit drink, or spirits for
- 4       consumption off the premises under the following conditions:
- 5       (a) The premises where the filling of qualified containers



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1 takes place comply with the requirements for food service  
2 establishments under the food law, 2000 PA 92, MCL 289.1101 to  
3 289.8111.

4 (b) The on-premises licensee or his or her agent or employee  
5 does not fill a qualified container in advance of the sale.

6 (c) The alcoholic liquor to be dispensed has received a  
7 registration number from the commission and has been approved for  
8 sale by the commission.

9 (d) The on-premises licensee complies with all applicable  
10 rules promulgated by the commission.

11 (2) Notwithstanding anything in this act to the contrary, an  
12 on-premises licensee may sell and deliver beer, wine, mixed spirit  
13 drink, or spirits to a consumer in this state if the on-premises  
14 licensee does all of the following:

15 (a) Pays any applicable taxes to the commission and pays any  
16 applicable taxes to the department of treasury as directed by the  
17 department of treasury. On the request of the department of  
18 treasury, the on-premises licensee shall furnish an affidavit to  
19 verify payment.

20 (b) Complies with all laws of this state, including, but not  
21 limited to, the prohibition on sales to minors.

22 (c) Stamps, prints, or labels on the outside of the shipping  
23 container that the package "Contains Alcohol. Must be delivered to  
24 a person 21 years of age or older.". The recipient at the time of  
25 the delivery shall provide identification verifying his or her age  
26 and sign for the delivery.

27 (d) Places a label on the top panel of the shipping container  
28 containing the name and address of the individual placing the order  
29 and the name of the designated recipient if different from the name



1 of the individual placing the order.

2 (e) Does not allow a straw hole on the shipping container.

3 (3) This section does not apply 3 years after the effective  
4 date of the amendatory act that added this section.

5 (4) As used in this section:

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

7 (b) "Qualified container" means any clean, refillable,  
8 resealable container that is exclusively intended, and used only,  
9 for the sale of alcoholic liquor for consumption off the premises  
10 and that has a liquid capacity that does not exceed 1 gallon.