

Act No. 118  
Public Acts of 2020  
Approved by the Governor  
July 1, 2020  
Filed with the Secretary of State  
July 1, 2020  
EFFECTIVE DATE: July 1, 2020

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Reps. Cambensy, Garza, Hall and Wendzel

## **ENROLLED HOUSE BILL No. 5354**

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 405 (MCL 436.1405), as amended by 2014 PA 353.

*The People of the State of Michigan enact:*

Sec. 405. (1) Subject to section 407, the commission shall issue a brewpub license to a person that is licensed as a food service establishment under the food law, 2000 PA 92, MCL 289.1101 to 289.8111, and that at the time of application for the brewpub license is licensed and continues to be licensed as 1 or more of the following:

- (a) Class C.
- (b) Tavern.
- (c) Class A hotel.
- (d) Class B hotel.

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

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

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

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

(6) 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 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 under section 409.

(7) A brewpub must be the holder of a "brewers notice" as issued by the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau in accordance with 27 CFR 25.61 to 25.85.


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

- (a) House Bill No. 5341.
- (b) House Bill No. 5342.
- (c) House Bill No. 5343.
- (d) House Bill No. 5344.
- (e) House Bill No. 5345.
- (f) House Bill No. 5346.
- (g) House Bill No. 5347.
- (h) House Bill No. 5348.
- (i) House Bill No. 5349.
- (j) House Bill No. 5350.
- (k) House Bill No. 5351.
- (l) House Bill No. 5352.
- (m) House Bill No. 5353.
- (n) House Bill No. 5355.
- (o) House Bill No. 5400.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor