

**SUBSTITUTE FOR  
SENATE BILL NO. 141**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 203 (MCL 436.1203), as amended by 2020 PA 106.

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

1       Sec. 203. (1) Except as provided in this section and section  
2       301, a person shall not sell, deliver, or import alcoholic liquor,  
3       including alcoholic liquor for personal use, in this state unless  
4       the sale, delivery, or importation is made by the commission, the  
5       commission's authorized agent or distributor, an authorized  
6       distribution agent approved by order of the commission, a person  
7       licensed by the commission, or by prior written order of the  
8       commission.

9       (2) Notwithstanding R 436.1011(7)(b) and R 436.1527 of the

Michigan Administrative Code and except as provided in subsections (3), (12), (13), (14), (15), and (16), a retailer shall not deliver alcoholic liquor to a consumer in this state at the home or business of the consumer or at any location away from the licensed premises of the retailer. The purpose of this subsection is to exercise this state's authority under section 2 of ~~amendment~~ **Amendment** XXI of the ~~constitution~~ **Constitution** of the United States, to maintain the inherent police powers to regulate the transportation and delivery of alcoholic liquor, and to promote a transparent system for the transportation and delivery of alcoholic liquor. The regulation described in this subsection is considered necessary for both of the following reasons:

(a) To promote the public health, safety, and welfare.

(b) To maintain strong, stable, and effective regulation by having beer and wine sold by retailers to consumers in this state by passing through the 3-tier distribution system established under this act.

(3) For purposes of subsection (1), a **qualified** retailer that holds a specially designated merchant license located in this state may use a common carrier to deliver **beer, wine, and mixed spirit drink** to a consumer in this state. **A qualified retailer that holds a specially designated distributor license located in this state may use a common carrier to deliver spirits to a consumer in this state.** A **qualified** retailer that uses a common carrier to deliver **beer, wine, mixed spirit drink, or spirits** to a consumer under this subsection shall comply with all of the following:

(a) Pay any applicable taxes to the commission and pay any applicable taxes to the department of treasury as directed by the department of treasury. On the request of the department of

1 treasury, a **qualified** retailer shall furnish an affidavit to verify  
2 payment.

3 (b) Comply with all laws of this state, including, but not  
4 limited to, the prohibition on sales to minors.

5 (c) Verify the age of the individual placing the order by  
6 obtaining from him or her a copy of a photo identification issued  
7 by this state, another state, or the federal government or by using  
8 an identification verification service. The person receiving and  
9 accepting the order on behalf of the **qualified** retailer shall  
10 record the name, address, date of birth, and telephone number of  
11 the individual placing the order on the order form or other  
12 verifiable record of a type and generated in a manner approved by  
13 the commission and provide a duplicate to the commission.

14 (d) On request of the commission, make available to the  
15 commission any document used to verify the age of the individual  
16 ordering or receiving the **beer, wine, mixed spirit drink, or**  
17 **spirits** from the **qualified** retailer.

18 (e) Stamp, print, or label on the outside of the shipping  
19 container that the package "Contains Alcohol. Must be delivered to  
20 a person 21 years of age or older.". The recipient at the time of  
21 the delivery shall provide identification verifying his or her age  
22 and sign for the delivery.

23 (f) Place a label on the top panel of the shipping container  
24 containing the name and address of the individual placing the order  
25 and the name of the designated recipient if different from the name  
26 of the individual placing the order.

27 (g) **For a qualified retailer that has been issued licenses at**  
28 **2 or more locations, the shipment of the beer, wine, mixed spirit**  
29 **drink, or spirits must be fulfilled from the location nearest to**

1    **the consumer unless that location does not have the beer, wine,**  
2    **mixed spirit drink, or spirits ordered in stock.**

3            (4) For purposes of subsection (1), a direct shipper may sell,  
4    deliver, or import wine to consumers in this state by means of any  
5    mail order, internet, telephone, computer, device, or other  
6    electronic means, or sell directly to a consumer on the winery  
7    premises. A direct shipper that sells, delivers, or imports wine to  
8    a consumer under this subsection shall comply with all of the  
9    following:

10           (a) Hold a direct shipper license.

11           (b) Pay any applicable taxes to the commission and pay any  
12    applicable taxes to the department of treasury as directed by the  
13    department of treasury. On the request of the department of  
14    treasury, a direct shipper shall furnish an affidavit to verify  
15    payment.

16           (c) Comply with all laws of this state, including, but not  
17    limited to, the prohibition on sales to minors.

18           (d) Verify the age of the individual placing the order by  
19    obtaining from him or her a copy of a photo identification issued  
20    by this state, another state, or the federal government or by using  
21    an identification verification service. The person receiving and  
22    accepting the order on behalf of the direct shipper shall record  
23    the name, address, date of birth, and telephone number of the  
24    individual placing the order on the order form or other verifiable  
25    record of a type and generated in a manner approved by the  
26    commission and provide a duplicate to the commission.

27           (e) On request of the commission, make available to the  
28    commission any document used to verify the age of the individual  
29    ordering or receiving the wine from the direct shipper.

1 (f) Stamp, print, or label on the outside of the shipping  
2 container that the package "Contains Alcohol. Must be delivered to  
3 a person 21 years of age or older.". The recipient at the time of  
4 the delivery shall provide photo identification verifying his or  
5 her age and sign for the delivery.

6 (g) Place a label on the top panel of the shipping container  
7 containing the name and address of the individual placing the order  
8 and the name of the designated recipient if different from the name  
9 of the individual placing the order. The direct shipper must have  
10 received a registration number of approval from the commission for  
11 any wine imported into this state. However, the registration number  
12 of approval from the commission is not required to be on the  
13 invoice or on the label of the wine that the direct shipper sells,  
14 delivers, or imports to a consumer in this state.

15 (h) Direct ship not more than 1,500 9-liter cases, or 13,500  
16 liters in total, of wine in a calendar year to consumers in this  
17 state. If a direct shipper, whether located in this state or  
18 outside this state, owns, in whole or in part, or commonly manages  
19 1 or more direct shippers, it shall not in combination ship to  
20 consumers in this state more than 13,500 liters of wine in the  
21 aggregate.

22 (i) Pay wine taxes quarterly and report to the commission  
23 quarterly the total amount of wine, by type, brand, and price,  
24 shipped to consumers in this state during the preceding calendar  
25 quarter, and the order numbers.

26 (j) Authorize and allow the commission and the department of  
27 treasury to conduct an audit of the direct shipper's records.

28 (k) Consent and submit to the jurisdiction of the commission,  
29 the department of treasury, and the courts of this state concerning

1 enforcement of this section and any related laws, rules, and  
2 regulations.

3 (l) For a direct shipper that is a wine manufacturer as  
4 described in subsection (10) (b), direct ship only the wine that the  
5 wine manufacturer has manufactured and registered with the  
6 commission, wine purchased from another wine manufacturer and  
7 further manufactured or bottled and registered with the commission,  
8 or labeled shiners purchased from another manufacturer in  
9 compliance with section 204a and registered with the commission.

10 (5) For a delivery of **beer**, wine, **mixed spirit drink**, or  
11 **spirits** through the use of a common carrier under subsection (3), a  
12 person taking the order on behalf of the **qualified** retailer shall  
13 comply with subsection (3) (b) to (f). For a sale, delivery, or  
14 importation of wine occurring by any means described in subsection  
15 (4), a person taking the order on behalf of the direct shipper  
16 shall comply with subsection (4) (c) to (g).

17 (6) A person that delivers the wine for a direct shipper under  
18 this section shall verify that the individual accepting delivery is  
19 21 years of age or older and is the individual who placed the order  
20 or the designated recipient, is an individual 21 years of age or  
21 older currently occupying or present at the address, or is an  
22 individual otherwise authorized through a rule promulgated under  
23 this act by the commission to receive alcoholic liquor under this  
24 section. If the delivery person, after a diligent inquiry,  
25 determines that the purchaser or designated recipient is not 21  
26 years of age or older, the delivery person shall return the wine to  
27 the direct shipper. A delivery person who returns wine to the  
28 direct shipper because the purchaser or designated recipient is not  
29 21 years of age or older is not liable for any damages suffered by

1 the purchaser or direct shipper.

2 (7) All spirits for sale, use, storage, or distribution in  
3 this state ~~shall~~**must** originally be purchased by and imported into  
4 the state by the commission, or by prior written authority of the  
5 commission.

6 (8) This section does not apply to alcoholic liquor brought  
7 into this state for personal or household use in an amount  
8 permitted by federal law by an individual 21 years of age or older  
9 at the time of reentry into this state from outside the territorial  
10 limits of the United States if the individual has been outside the  
11 territorial limits of the United States for more than 48 hours and  
12 has not brought alcoholic liquor into the United States during the  
13 preceding 30 days.

14 (9) An individual 21 years of age or older may do either of  
15 the following in relation to alcoholic liquor that contains less  
16 than 21% alcohol by volume:

17 (a) Personally transport from another state, once in a 24-hour  
18 period, not more than 312 ounces of alcoholic liquor for that  
19 individual's personal use, notwithstanding subsection (1).

20 (b) Ship or import from another state alcoholic liquor for  
21 that individual's personal use if that personal importation is done  
22 in compliance with subsection (1).

23 (10) A direct shipper shall not sell, deliver, or import wine  
24 to a consumer unless it applies for and is granted a direct shipper  
25 license from the commission. This subsection does not prohibit wine  
26 tasting or the selling at retail by a wine maker of wines he or she  
27 produced and bottled or wine manufactured for that wine maker by  
28 another wine ~~maker~~**manufacturer**, if done in compliance with this  
29 act. Only the following persons qualify for the issuance of a

1 direct shipper license:

2 (a) A wine maker.

3 (b) A wine ~~producer and bottler~~ **manufacturer that is** located  
4 inside this country but outside of this state ~~holding~~ **and that**  
5 **holds** both a federal basic permit issued by the Alcohol and Tobacco  
6 Tax and Trade Bureau of the United States Department of Treasury  
7 and a license to manufacture wine in its state of domicile.

8 (11) An applicant for a direct shipper license shall submit an  
9 application to the commission in a written or electronic format  
10 provided by the commission and accompanied by an application and  
11 initial license fee of \$100.00. The **initial** application must be  
12 accompanied by a copy or other **verifiable** evidence of the existing  
13 federal basic permit or license, or both, held by the applicant.  
14 The direct shipper may renew its license annually by submission of  
15 a license renewal fee of \$100.00 and a completed renewal  
16 application. The commission shall use the fees collected under this  
17 section to conduct investigations and audits of direct shippers.  
18 The failure to renew, or the revocation or suspension of, the  
19 applicant's existing Michigan license, federal basic permit, or  
20 license to manufacture wine in its state of domicile is grounds for  
21 revocation or denial of ~~the~~ **a** direct shipper license. If a direct  
22 shipper is found guilty of violating this act or a rule promulgated  
23 by the commission, the commission shall notify both the alcoholic  
24 liquor control agency in the direct shipper's state of domicile and  
25 the Alcohol and Tobacco Tax and Trade Bureau of the United States  
26 Department of Treasury of the violation.

27 (12) A retailer that holds a specially designated merchant  
28 license, a brewpub, a micro brewer, or an out-of-state entity that  
29 is the substantial equivalent of a brewpub or micro brewer may



1 deliver beer, ~~and wine, or mixed spirit drink~~, as allowed by the  
2 license the retailer holds, to the home or other designated  
3 location of a consumer in this state if all of the following  
4 conditions are met:

5 (a) The beer, ~~or wine, or both~~, **or mixed spirit drink** is  
6 delivered by the retailer's, brewpub's, or micro brewer's employee.

7 (b) The retailer, brewpub, or micro brewer or its employee who  
8 delivers the beer or wine, or both, verifies that the individual  
9 accepting delivery is at least 21 years of age.

10 (c) If the retailer, brewpub, or micro brewer or its employee  
11 intends to provide service to consumers, the retailer, brewpub, or  
12 micro brewer or its employee providing the service has ~~received~~  
13 ~~alcohol server training through~~ **successfully completed** a server  
14 training program ~~approved by the commission~~ **as provided for in**  
15 **section 906.**

16 (13) A retailer that holds a specially designated merchant  
17 license may use a third party that provides delivery service to  
18 municipalities in this state that are surrounded by water and  
19 inaccessible by motor vehicle to deliver beer, ~~and wine~~, **and mixed**  
20 **spirit drink** to the home or other designated location of that  
21 consumer if the delivery service is approved by the commission and  
22 agrees to verify that the individual accepting delivery of the  
23 beer, ~~and wine~~, **and mixed spirit drink** is at least 21 years of age.

24 (14) A retailer that holds a specially designated distributor  
25 license may deliver spirits to the home or other designated  
26 location of a consumer in this state if all of the following  
27 conditions are met:

28 (a) The spirits are delivered by the retailer's employee.

29 (b) The retailer or its employee who delivers the spirits

1 verifies that the individual accepting delivery is at least 21  
2 years of age.

3 (c) If the retailer or its employee intends to provide service  
4 to consumers, the retailer or its employee providing the service  
5 has ~~received alcohol server training through~~ **successfully completed**  
6 a server training program ~~approved by the commission.~~ **as provided**  
7 **for in section 906.**

8 (15) A **qualified** retailer that holds a specially designated  
9 merchant license located in this state may use a third party  
10 facilitator service by means of the internet or mobile application  
11 to facilitate the sale of beer, ~~or wine,~~ **or mixed spirit drink** to  
12 be delivered to the home or designated location of a consumer as  
13 provided in subsection (12), this subsection, ~~or, for wine only,~~ **or**  
14 subsection (3), and a third party facilitator service may deliver  
15 beer, ~~or wine,~~ **or mixed spirit drink** to a consumer on behalf of a  
16 **qualified** retailer that holds a specially designated merchant  
17 license located in this state, if all of the following conditions  
18 are met:

19 (a) If the third party facilitator service delivers beer, ~~or~~  
20 wine, **or mixed spirit drink** under this subsection, the third party  
21 facilitator service verifies that the individual accepting the  
22 delivery of the beer, ~~or wine,~~ **or mixed spirit drink** is at least 21  
23 years of age.

24 (b) A manufacturer, warehouser, wholesaler, outstate seller of  
25 beer, outstate seller of wine, supplier of spirits , or outstate  
26 seller of mixed spirit drink does not have a direct or indirect  
27 interest in the third party facilitator service.

28 (c) A manufacturer, warehouser, wholesaler, outstate seller of  
29 beer, outstate seller of wine, supplier of spirits, or outstate

1 seller of mixed spirit drink does not aid or assist ~~a-the~~ third  
2 party facilitator service by gift, loan of money or property of any  
3 description, or other valuable thing as defined in section 609, and  
4 ~~a-the~~ third party facilitator service does not accept the same.

5 (d) The **qualified** retailer or consumer pays the fees  
6 associated with deliveries provided for under this subsection.

7 (e) The third party facilitator service offers services for  
8 all brands available at the retail location.

9 (16) A **qualified** retailer that holds a specially designated  
10 distributor license located in this state may use a third party  
11 facilitator service by means of the internet or mobile application  
12 to facilitate the sale of spirits to be delivered to the home or  
13 designated location of a consumer as provided in subsection (14) or  
14 this subsection, and a third party facilitator service may deliver  
15 spirits to a consumer on behalf of a retailer that holds a  
16 specially designated distributor license located in this state, if  
17 all of the following conditions are met:

18 (a) If the third party facilitator service delivers spirits  
19 under this subsection, the third party facilitator service verifies  
20 that the individual accepting the delivery of the spirits is at  
21 least 21 years of age.

22 (b) A manufacturer, warehouser, wholesaler, outstate seller of  
23 beer, outstate seller of wine, supplier of spirits, or outstate  
24 seller of mixed spirit ~~drinks-drink~~ does not have a direct or  
25 indirect interest in the third party facilitator service.

26 (c) A manufacturer, warehouser, wholesaler, outstate seller of  
27 beer, outstate seller of wine, **or** supplier of spirits, or outstate  
28 seller of mixed spirit ~~drinks-drink~~ does not aid or assist a third  
29 party facilitator service by gift, loan of money or property of any

1 description, or other valuable thing as defined in section 609, and  
2 a third party facilitator service does not accept the same.

3 (d) The **qualified** retailer or consumer pays the fees  
4 associated with deliveries provided for under this subsection.

5 (e) The third party facilitator service offers services for  
6 all brands available at the retail location.

7 (17) A third party facilitator service shall not deliver beer,  
8 wine, **mixed spirit drink**, or spirits to a consumer under subsection  
9 (15) or (16), as applicable, and shall not facilitate the sale of  
10 beer, wine, **mixed spirit drink**, or spirits under subsection (15) or  
11 (16), as applicable, unless it applies for and is granted a third  
12 party facilitator service license by the commission. The commission  
13 may charge a reasonable application fee, initial license fee, and  
14 annual license renewal fee. The commission shall establish a fee  
15 under this subsection by written order.

16 (18) If a third party facilitator service used by a retailer  
17 that holds a specially designated merchant or specially designated  
18 distributor license under subsection (15) or (16), as applicable,  
19 violates this section, the commission shall not treat the third  
20 party facilitator service's violation as a violation by the  
21 retailer.

22 (19) A common carrier that carries or transports alcoholic  
23 liquor into this state to a person in this state shall submit  
24 quarterly reports to the commission. A report required under this  
25 subsection must include all of the following about each delivery to  
26 a consumer in this state during the preceding calendar quarter:

27 (a) The name and business address of the person that ships **the**  
28 alcoholic liquor.

29 (b) The name and address of the recipient of **the** alcoholic

1 liquor.

2 (c) The weight of **the** alcoholic liquor delivered to a  
3 consignee.

4 (d) The date of the delivery.

5 (20) For purposes of subsection (1), a qualified small  
6 distiller or an out-of-state entity that is the substantial  
7 equivalent of a qualified small distiller may sell and deliver  
8 spirits that it manufactured to a retailer licensed to purchase and  
9 sell spirits in this state if all of the following conditions are  
10 met:

11 (a) The spirits are sold and delivered by an employee of the  
12 qualified small distiller or an out-of-state entity that is the  
13 substantial equivalent of a qualified small distiller, not an  
14 agent, and are transported and delivered using a vehicle owned by  
15 the qualified small distiller or the out-of-state entity that is  
16 the substantial equivalent of a qualified small distiller.

17 (b) The qualified small distiller or an out-of-state entity  
18 that is the substantial equivalent of a qualified small distiller  
19 complies with all applicable state and federal law and applicable  
20 regulatory provisions of this act and rules adopted by the  
21 commission under this act including, but not limited to, those  
22 requirements related to each of the following:

23 (i) Employees that sell and deliver spirits to retailers.

24 (ii) Vehicles used to deliver spirits to retailers.

25 (iii) Uniform pricing established by the commission under  
26 section 233.

27 (iv) Labeling and registration of spirits under R 436.1829 of  
28 the Michigan Administrative Code.

29 (v) Payment of taxes.

(c) The spirits are not listed in the state of Michigan price book.

(21) ~~(20)~~—A common carrier described in subsection (19) shall maintain the books, records, and documents supporting a report submitted under subsection (19) for 3 years unless the commission notifies the common carrier in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the common carrier shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the common carrier shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the carrier resides or does business.

(22) ~~(21)~~—A third party facilitator service that delivers beer, wine, **mixed spirit drink**, or spirits to a consumer under subsection (15) or (16), as applicable, shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter:

(a) The name and business address of the person that ships beer, wine, **mixed spirit drink**, or spirits.

(b) The name and address of the recipient of beer, wine, **mixed spirit drink**, or spirits.

(c) The weight of beer, wine, **mixed spirit drink**, or spirits delivered to a consignee.

(d) The date of the delivery.

(23) ~~(22)~~—A third party facilitator service shall maintain the books, records, and documents supporting a report submitted under

1 subsection ~~(21)~~ **(22)** for 3 years unless the commission notifies the  
2 third party facilitator service in writing that the books, records,  
3 and supporting documents may be destroyed. Within 30 days after the  
4 commission's request, the third party facilitator service shall  
5 make the books, records, and documents available for inspection  
6 during normal business hours. Within 30 days after a local law  
7 enforcement agency's or local governmental unit's request, the  
8 third party facilitator service shall also make the books, records,  
9 and documents available for inspection to a local law enforcement  
10 agency or local governmental unit where the third party facilitator  
11 service resides or does business.

12 **(24)** ~~(23)~~—A report submitted under subsection (19) or ~~(21)~~  
13 **(22)** is subject to disclosure under the freedom of information act,  
14 1976 PA 442, MCL 15.231 to 15.246.

15 **(25)** ~~(24)~~—As used in this section:

16 (a) "Common carrier" means a company that transports goods, on  
17 reasonable request, on regular routes and at set rates.

18 (b) "Computer" means any connected, directly interoperable or  
19 interactive device, equipment, or facility that uses a computer  
20 program or other instructions to perform specific operations  
21 including logical, arithmetic, or memory functions with or on  
22 computer data or a computer program and that can store, retrieve,  
23 alter, or communicate the results of the operations to a person,  
24 computer program, computer, computer system, or computer network.

25 (c) "Computer network" means the interconnection of hardware  
26 or wireless communication lines with a computer through remote  
27 terminals, or a complex consisting of 2 or more interconnected  
28 computers.

29 (d) "Computer program" means a series of internal or external

1 instructions communicated in a form acceptable to a computer that  
2 directs the functioning of a computer, computer system, or computer  
3 network in a manner designed to provide or produce products or  
4 results from the computer, computer system, or computer network.

5 (e) "Computer system" means a set of related, connected or  
6 unconnected, computer equipment, devices, software, or hardware.

7 (f) "Consumer" means an individual who purchases beer, wine,  
8 **mixed spirit drink**, or spirits for personal consumption and not for  
9 resale.

10 (g) "Device" includes, but is not limited to, an electronic,  
11 magnetic, electrochemical, biochemical, hydraulic, optical, or  
12 organic object that performs input, output, or storage functions by  
13 the manipulation of electronic, magnetic, or other impulses.

14 (h) "Diligent inquiry" means a diligent good faith effort to  
15 determine the age of an individual, that includes at least an  
16 examination of an official Michigan operator's or chauffeur's  
17 license, an official Michigan personal identification card, or any  
18 other bona fide picture identification that establishes the  
19 identity and age of the individual.

20 (i) "Direct shipper" means ~~a person who~~ **either of the**  
21 **following:**

22 (i) **A wine manufacturer that** sells, delivers, or imports wine  
23 **it has manufactured, bottled, and registered with the commission,**  
24 to consumers in this state ~~, that he or she produces and bottles or~~  
25 ~~wine that is manufactured by a wine maker for another wine maker~~  
26 ~~and~~ that is transacted or caused to be transacted through the use  
27 of any mail order, internet, telephone, computer, device, or other  
28 electronic means, or sells directly to consumers on the winery  
29 premises.



1           (ii) A wine manufacturer that purchases wine from another wine  
2 manufacturer and further manufactures or bottles the wine or  
3 purchases shiners of wine from another wine manufacturer in  
4 compliance with section 204a, registers the wine with the  
5 commission and sells the wine to consumers in this state that is  
6 transacted or caused to be transacted through the use of any mail  
7 order, internet, telephone, computer, device, or other electronic  
8 means, or sells directly to consumers on the winery premises.

9           (j) "Facilitate" means, subject to subdivision (k),  
10 advertising on behalf of a retailer, by means of the internet or  
11 mobile application, and pursuant to a written or oral agreement,  
12 the brands and prices of beer, wine, or spirits products sold by a  
13 retailer and 1 or more of the following:

14           (i) Assisting the retailer, in any manner, in the arrangement  
15 of delivery as allowed in this section.

16           (ii) Assisting the retailer, in any manner, in the processing  
17 of payment by the consumer for the beer, wine, or spirits.

18           (iii) Transmitting customer information to the retailer.

19           (iv) Assisting the retailer by providing customer service.

20           (v) If the retailer maintains supervision and control over the  
21 day-to-day operation of its business, providing other normal and  
22 customary operational services.

23           (k) "Facilitate" does not include web designing, operating an  
24 internet search engine, or publishing an internet version of a  
25 newspaper.

26           (l) "Identification verification service" means an internet-  
27 based service approved by the commission specializing in age and  
28 identity verification.

29           (m) "Mobile application" means a specialized software program

1 downloaded onto a wireless communication device.

2 (n) "Qualified retailer" means a retailer licensed to sell  
3 alcoholic liquor for consumption off the premises that complies  
4 with all of the following:

5 (i) The retailer maintains physical licensed premises that are  
6 open to the general public for face-to-face sales transactions of  
7 alcoholic liquor, packaged food, and other products to consumers.

8 (ii) At least 25% of the retailer's annual gross sales of  
9 alcoholic liquor must be from face-to-face sales transactions with  
10 consumers on the premises described in subparagraph (i) unless the  
11 retailer's physical licensed premises is less than 15,000 square  
12 feet in total.

13 (iii) The retailer holds and maintains either of the following  
14 for the premises described in subparagraph (i):

15 (A) A retail food establishment license issued under the food  
16 law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this sub-  
17 subparagraph, "retail food establishment" means that term as  
18 defined in section 1111 of the food law, 2000 PA 92, MCL 289.1111.

19 (B) An extended retail food establishment license issued under  
20 the food law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this  
21 sub-subparagraph, "extended retail food establishment" means that  
22 term as defined in section 1107 of the food law, 2000 PA 92, MCL  
23 289.1107.

24 (o) "Qualified small distiller" means a small distiller, or an  
25 out-of-state entity that is the substantial equivalent of a small  
26 distiller, that sells under 3,000 gallons of spirits per calendar  
27 year directly to retailers located in this state or out-of-state  
28 entities that are the substantial equivalent of retailers. If a  
29 small distiller or an out-of-state entity that is the substantial

1 equivalent of a qualified small distiller manufactures spirits at  
 2 more than 1 location, the total number of gallons of spirits sold  
 3 to retailers or out-of-state entities that are the substantial  
 4 equivalent of retailers from all locations must be combined to  
 5 determine the 3,000-gallon threshold.

6 (p) ~~(a)~~ "Third party facilitator service" means a person  
 7 licensed by the commission to do any of the following:

8 (i) Facilitate the sale of beer, ~~or~~ wine, and mixed spirit  
 9 drink to a consumer as provided in subsection (15) on behalf of a  
 10 qualified retailer that holds a specially designated merchant  
 11 license located in this state.

12 (ii) Facilitate the sale of spirits to a consumer as provided  
 13 in subsection (16) on behalf of a qualified retailer that holds a  
 14 specially designated distributor license located in this state.

15 (iii) Deliver beer, ~~or~~ wine, and mixed spirit drink to a  
 16 consumer as provided in subsection (15) on behalf of a qualified  
 17 retailer that holds a specially designated merchant license located  
 18 in this state.

19 (iv) Deliver spirits to a consumer as provided in subsection  
 20 (16) on behalf of a qualified retailer that holds a specially  
 21 designated distributor license located in this state.

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

24 Enacting section 2. This amendatory act does not take effect  
 25 unless all of the following bills of the 101st Legislature are  
 26 enacted into law:

27 (a) Senate Bill No. 143.

28 (b) Senate Bill No. 144.