

HOUSE BILL No. 4147

February 4, 2009, Introduced by Rep. Hansen and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 537 (MCL 436.1537), as amended by 2008 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 537. (1) The following classes of vendors may sell
2 alcoholic liquors at retail as provided in this section:

3 (a) Taverns where beer and wine may be sold for consumption on
4 the premises only.

5 (b) Class C license where beer, wine, mixed spirit drink, and
6 spirits may be sold for consumption on the premises.

7 (c) Clubs where beer, wine, mixed spirit drink, and spirits
8 may be sold for consumption on the premises only to bona fide
9 members where consumption is limited to these members and their

1 bona fide guests, who have attained the age of 21 years.

2 (d) Direct shippers where wine may be sold and shipped
3 directly to the consumer.

4 (e) Hotels of class A where beer and wine may be sold for
5 consumption on the premises and in the rooms of bona fide
6 registered guests. Hotels of class B where beer, wine, mixed spirit
7 drink, and spirits may be sold for consumption on the premises and
8 in the rooms of bona fide registered guests.

9 (f) Specially designated merchants, where beer and wine may be
10 sold for consumption off the premises only.

11 (g) Specially designated distributors where spirits and mixed
12 spirit drink may be sold for consumption off the premises only.

13 (h) Special licenses where beer and wine or beer, wine, mixed
14 spirit drink, and spirits may be sold for consumption on the
15 premises only.

16 (i) Dining cars or other railroad or Pullman cars, watercraft,
17 or aircraft, where alcoholic liquor may be sold for consumption on
18 the premises only, subject to rules promulgated by the commission.

19 (j) Brewpubs where beer manufactured on the premises by the
20 licensee may be sold for consumption on or off the premises by any
21 of the following licensees:

22 (i) Class C.

23 (ii) Tavern.

24 (iii) Class A hotel.

25 (iv) Class B hotel.

26 (k) Micro brewers and brewers selling less than 200,000
27 barrels of beer per year where beer produced by the micro brewer or

1 brewer may be sold to a consumer for consumption on or off the
2 brewery premises.

3 (l) Class G-1 license where beer, wine, mixed spirit drink, and
4 spirits may be sold for consumption on the premises only to members
5 required to pay an annual membership fee and consumption is limited
6 to these members and their bona fide guests.

7 (m) Class G-2 license where beer and wine may be sold for
8 consumption on the premises only to members required to pay an
9 annual membership fee and consumption is limited to these members
10 and their bona fide guests.

11 (n) Motorsports event license where beer and wine may be sold
12 for consumption on the premises during sanctioned motorsports
13 events only.

14 (o) Wine maker where wine may be sold by direct shipment, at
15 retail on the licensed premises, and as provided for in subsections
16 (2) and (3).

17 (p) Small distiller selling not more than 60,000 gallons of
18 spirits manufactured by that licensee to the consumer at retail for
19 consumption on or off the licensed premises in the manner provided
20 for in section 534.

21 **(Q) FARMERS MARKET LICENSES WHERE WINE MAY BE SAMPLED AND SOLD**
22 **AT A FARMERS MARKET FOR CONSUMPTION OFF THE LICENSED PREMISES.**

23 (2) A wine maker may sell wine made by that wine maker in a
24 restaurant for consumption on or off the premises if the restaurant
25 is owned by the wine maker or operated by another person under an
26 agreement approved by the commission and located on the premises
27 where the wine maker is licensed.

1 (3) A wine maker, with the prior written approval of the
2 commission, may conduct wine tastings of wines made by that wine
3 maker and may sell the wine made by that wine maker for consumption
4 off the premises at a location other than the premises where the
5 wine maker is licensed to manufacture wine, under the following
6 conditions:

7 (a) The premises upon which the wine tasting occurs conforms
8 to local and state sanitation requirements.

9 (b) Payment of a \$100.00 fee per location is made to the
10 commission.

11 (c) The wine tasting locations shall be considered licensed
12 premises.

13 (d) Wine tasting does not take place between the hours of 2
14 a.m. and 7 a.m. Monday through Saturday, or between 2 a.m. and 12
15 noon on Sunday.

16 (e) The premises and the licensee comply with and are subject
17 to all applicable rules promulgated by the commission.

18 **(4) THE COMMISSION MAY ISSUE FARMERS MARKET LICENSES FOR WINE**
19 **MAKERS FOR THE PURPOSES OF ALLOWING WINE TASTING AND THE SALE OF**
20 **WINE PRODUCED, BY THAT WINE MAKER, AT A FARMERS MARKET, FOR**
21 **CONSUMPTION OFF THE LICENSED PREMISES. THE COMMISSION SHALL CHARGE**
22 **A LICENSE FEE OF \$25.00 PER DAY, FOR UP TO 20 NONCONSECUTIVE DAYS**
23 **PER CALENDAR YEAR. SECTION 503 DOES NOT APPLY TO THE APPLICATION OR**
24 **ISSUANCE OF A LICENSE UNDER THIS SUBSECTION.**

25 **(5) IN ISSUING A FARMERS MARKET LICENSE UNDER THIS SECTION,**
26 **THE COMMISSION SHALL REQUIRE THE FOLLOWING:**

27 **(A) THAT THE WINE TASTING AND SALES BE LIMITED TO AN AREA**

1 UNDER THE CONTROL OF THE WINE MAKER.

2 (B) THAT THE APPLICANT DEMONSTRATE IN A MANNER ACCEPTABLE TO
3 THE COMMISSION THAT THE LOCAL POLICE AGENCY HAS APPROVED THE
4 PROPOSED LICENSED ACTIVITY.

5 (6) AS USED IN THIS SECTION, "FARMERS MARKET" MEANS A GROUP OF
6 FARMERS WHO ASSEMBLE AT A DEFINED COMMUNITY-SPONSORED OR
7 MUNICIPALLY-SPONSORED LOCATION FOR THE PURPOSE OF SELLING, DIRECTLY
8 TO CONSUMERS, PRODUCE PRODUCED BY THOSE FARMERS.