

SENATE BILL NO. 141

March 07, 2023, Introduced by Senators MCMORROW, MOSS, IRWIN, WEBBER, HUIZENGA, WOJNO, POLEHANKI, CHANG, HOITENGA, KLINEFELT, SINGH, SANTANA, SHINK and BAYER and referred to the Committee on Regulatory Affairs.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 537a (MCL 436.1537a), as amended by 2021 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 537a. (1) Notwithstanding anything in this act to the
2 contrary, a qualified licensee may fill and sell qualified
3 containers with alcoholic liquor for consumption off the premises
4 under the following conditions:

5 (a) The qualified licensee or his or her agent or employee

1 does not fill the qualified container in advance of the sale.

2 (b) The qualified licensee complies with all applicable rules
3 promulgated by the commission.

4 (c) The qualified licensee or his or her agent seals the
5 qualified container.

6 (2) Notwithstanding anything in this act to the contrary, a
7 qualified licensee may deliver alcoholic liquor to a consumer in
8 this state if all of the following conditions are met:

9 (a) The qualified licensee complies with all laws of this
10 state, including, but not limited to, the prohibition on sales to
11 minors.

12 (b) The qualified licensee stamps, prints, or labels on the
13 outside of the qualified container "Contains Alcohol. Must be
14 delivered to a person 21 years of age or older.". The recipient at
15 the time of the delivery shall provide identification verifying his
16 or her age.

17 (c) The qualified licensee or his or her agent seals the
18 qualified container.

19 (d) If the qualified licensee is a retailer, the alcoholic
20 liquor is delivered by the qualified licensee's employee or a third
21 party facilitator service, as that term is defined in section 203.

22 (e) If the qualified licensee is a manufacturer, the alcoholic
23 liquor is delivered by the qualified licensee's employee.

24 (3) Except as otherwise allowed under this act, a qualified
25 licensee shall not sell alcoholic liquor in its original package
26 under this section.

27 ~~(4) This section does not apply after January 1, 2026.~~

28 ~~(4) (5)~~As used in this section:

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

1 (b) "Qualified container" means a clean, sealable container
2 that is for the sale of alcoholic liquor for consumption off the
3 premises, that has a liquid capacity that does not exceed 1 gallon,
4 and that, after it is filled, is sealed with a device or material
5 that is used to fully close off the container securely with no
6 perforations or straw holes.

7 (c) "Qualified licensee" means any of the following:

8 (i) A retailer that holds a license, other than a special
9 license, to sell alcoholic liquor for consumption on the licensed
10 premises.

11 (ii) A manufacturer with an on-premises tasting room permit
12 issued under section 536.

13 (iii) A manufacturer that holds an off-premises tasting room
14 license issued under section 536.

15 (iv) A manufacturer that holds a joint off-premises tasting
16 room license issued under section 536.