

SENATE BILL NO. 938

May 21, 2020, Introduced by Senators MCMORROW, IRWIN, ALEXANDER, POLEHANKI, BAYER, BULLOCK, MOSS, WOJNO, ANANICH, GEISS, BRINKS, SANTANA, CHANG, HOLLIER and SCHMIDT 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 that is also licensed as a food
3 service establishment or retail food establishment under the food
4 law, 2000 PA 92, MCL 289.1101 to 289.8111, may fill and sell
5 qualified containers with beer, wine, mixed spirit drink, or

1 spirits for consumption off the premises under the following
2 conditions:

3 (a) The premises where the filling of qualified containers
4 takes place comply with the requirements for food service
5 establishments under the food law, 2000 PA 92, MCL 289.1101 to
6 289.8111.

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

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

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

14 (2) Notwithstanding anything in this act to the contrary, an
15 on-premises licensee that is also licensed as a food service
16 establishment or retail food establishment under the food law, 2000
17 PA 92, MCL 289.1101 to 289.8111, may deliver beer, wine, mixed
18 spirit drink, or spirits to a consumer in this state if the on-
19 premises licensee does all of the following:

20 (a) Pays any applicable taxes to the commission and pays any
21 applicable taxes to the department of treasury as directed by the
22 department of treasury. On the request of the department of
23 treasury, the on-premises licensee shall furnish an affidavit to
24 verify payment.

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

27 (c) Makes a diligent inquiry to determine that the individual
28 placing and receiving the order is 21 years of age or older. As
29 used in this subdivision, "diligent inquiry" means that term as

1 defined in section 701.

2 (d) On request of the commission, makes available to the
3 commission any document used to verify the age of the individual
4 ordering or receiving the alcoholic liquor from the on-premises
5 licensee.

6 (e) Stamps, prints, or labels on the outside of the shipping
7 container that the package "Contains Alcohol. Must be delivered to
8 a person 21 years of age or older.". The recipient at the time of
9 the delivery shall provide identification verifying his or her age
10 and sign for the delivery.

11 (f) Does not allow a straw hole on the shipping container.

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

14 (4) As used in this section:

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

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