



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 27, 2025

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #24-057-LR)
Legislative Service Bureau (Secretary of State Filing #25-01-03)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2024-057-LR (Secretary of State Filing #25-01-03) on this date at 10:54 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Wine".

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

January 27, 2025

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Michigan Administrative Rules #: 2024-57 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated December 18, 2024 for the Department of Licensing and Regulatory Affairs “**Wine**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated December 18, 2024, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled "Wine" by:


- ◆ Amending R 436.1725.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 6, 2025

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Liquor Control Commission by Section 40 of Article IV of the State Constitution of 1963, Sections 201 and 215(1) of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1201 and 436.1215, and Executive Reorganization Order No. 2011-4, MCL 445.2030, the Liquor Control Commission at a meeting held on January 23, 2025, formally adopted the amendments to R 436.1725 of the Michigan Administrative Code.

Date: January 23, 2025

Kristin Beltzer
Chair
Liquor Control Commission

MICHIGAN LIQUOR CONTROL COMMISSION
KRISTIN BELTZER, CHAIR

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Legal Division

Timothy H. Shields, Director


CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated December 18, 2024 amending R 436.1725 of the Department's rules entitled "Wine." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: January 6, 2025

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

WINE

Filed with the secretary of state on January 27, 2025

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the liquor control commission by section 40 of article IV of the state constitution of 1963, sections 201 and 215(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1201 and 436.1215, and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1725 of the Michigan Administrative Code is amended, as follows:

R 436.1725 Excise tax on wine; reports.

Rule 25. (1) Each wholesaler and wine maker licensed in this state that does not designate a wholesaler to pay the wine tax shall submit, to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each calendar quarter, a wine tax report of all wine sold in this state during the preceding calendar quarter and the payment of the required wine excise tax due pursuant to section 301 of the act, MCL 436.1301.

(2) The wine excise tax report submitted pursuant to subrule (1) of this rule by a wholesaler or wine maker licensed in this state must include all of the following information:

- (a) The total sales of wine made into this state during the period covered by the report.
- (b) The total amount of the wine excise tax due.
- (c) The date that each shipment of wine was made.
- (d) The name and address of the retailer licensed in this state that received each shipment of wine.
- (e) The invoice number for each sale of wine.
- (f) The brand name, quantity, and container size of each item of wine sold.

(3) Each wine maker licensed in this state that designates a wholesaler to report and pay its wine taxes shall notify the commission of its selection through electronic mail. Each wine maker licensed in this state that designates a wholesaler shall select a wholesaler or wholesalers sufficient to cover all the areas of the state where the wine maker's products are distributed. The commission and the wholesaler shall receive notification of the designation of a wholesaler to report and pay wine taxes not later than April 1. The selection of a wholesaler to report and pay wine taxes may be changed only by the wine maker licensed in this state by notification to the commission not later than April 1. The change of designated wholesalers is effective May 1. A wine maker licensed in this state

that does not properly designate a wholesaler and notify the commission of its selection shall be responsible for the submission of the wine tax reports and payment of the wine tax required under subrules (1) and (2) of this rule.

(4) Each wine maker licensed in this state shall submit to the commission, on forms acceptable to the commission and postmarked not later than the fifteenth day of each calendar quarter, a wine tax report of all wine sold or consumed on the licensed premises of its manufacturing facility and tasting rooms during the preceding calendar quarter. Payment of the required wine excise tax due pursuant to section 301 of the act, MCL 436.1301, must accompany the report.

FILED WITH SECRETARY OF STATE

ON 1/27/25 AT 10:54 A.M.