

SUBSTITUTE FOR
SENATE BILL NO. 356

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 502. (1) THE COMMISSION SHALL ISSUE A SALESPERSON LICENSE
2 TO AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED A SALESPERSON
3 ACCREDITATION PROGRAM UNDER SUBSECTION (6) AND WHO IS A DESIGNATED
4 EMPLOYEE OF ANY OF THE FOLLOWING PERSONS:
- 5 (A) A VENDOR OF SPIRITS.
 - 6 (B) A BROKER.
 - 7 (C) A MANUFACTURER OF BEER.
 - 8 (D) A MANUFACTURER OF WINE.
 - 9 (E) AN OUTSTATE SELLER OF BEER.
 - 10 (F) AN OUTSTATE SELLER OF WINE.
 - 11 (G) A WHOLESALER.

1 (2) THE COMMISSION SHALL NOT ISSUE A SALESPERSON LICENSE UNDER
2 THIS SECTION UNLESS THE APPLICANT SUBMITS WITH HIS OR HER
3 APPLICATION WRITTEN DOCUMENTATION THAT THE APPLICANT SUCCESSFULLY
4 COMPLETED A SALESPERSON ACCREDITATION PROGRAM UNDER SUBSECTION (6).

5 (3) A SALESPERSON LICENSE IS VALID FOR 3 YEARS, BEGINNING ON
6 THE DATE IT IS ISSUED OR RENEWED.

7 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), AN INDIVIDUAL SHALL
8 NOT SELL, DELIVER, PROMOTE, OR OTHERWISE ASSIST IN THE SALE OF
9 ALCOHOLIC LIQUOR IN ANY MANNER TO A RETAILER IN THIS STATE UNLESS
10 LICENSED UNDER THIS SECTION.

11 (5) THIS SECTION DOES NOT REQUIRE AN INDIVIDUAL WHO IS AT
12 LEAST 18 YEARS OF AGE AND WHO ONLY DOES ANY OF THE FOLLOWING TO BE
13 LICENSED AS A SALESPERSON:

14 (A) BUILDS A DISPLAY OF THOSE BRANDS THAT ARE REPRESENTED OR
15 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

16 (B) MARKS THE PRICE ON THOSE BRANDS THAT ARE REPRESENTED OR
17 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

18 (C) ROTATES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
19 INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

20 (D) PLACES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
21 INDIVIDUAL'S EMPLOYER ON SHELVES FOR AN OFF-PREMISES RETAILER.

22 (E) THE HOLDER OF A MICHIGAN COMMERCIAL DRIVER LICENSE OR
23 CHAUFFEUR'S LICENSE WHO TRANSPORTS, IN A VEHICLE LICENSED BY THE
24 COMMISSION UNDER SECTION 525, AND DELIVERS ALCOHOLIC LIQUOR TO A
25 RETAILER.

26 (6) THE COMMISSION SHALL APPROVE A SALESPERSON LICENSE
27 ACCREDITATION PROGRAM DESIGNED FOR SALESPERSON LICENSEES IF THE

1 COMMISSION DETERMINES THAT THE PROGRAM'S CURRICULUM INCLUDES AN
2 UNDERSTANDING OF ALL OF THE FOLLOWING:

3 (A) SECTION 609.

4 (B) SECTION 609A.

5 (C) SECTION 609B.

6 (D) THE PROVISIONS OF SECTION 1013 THAT REQUIRE THE SALE OR
7 PURCHASE OF ALCOHOLIC LIQUOR BY A LICENSEE FOR CASH ONLY.

8 (E) R 436.1315 OF THE MICHIGAN ADMINISTRATIVE CODE.

9 (F) R 436.1319 OF THE MICHIGAN ADMINISTRATIVE CODE.

10 (G) R 436.1726 OF THE MICHIGAN ADMINISTRATIVE CODE.

11 (H) THE COMMISSION'S ORDER FOR ON-PREMISES BRAND PROMOTIONS
12 ISSUED OCTOBER 27, 1999.

13 (I) THE COMMISSION'S ADMINISTRATIVE ORDER 2016-05 FOR PRODUCT
14 ADJUSTMENTS.

15 (7) A PERSON MAY APPLY TO THE COMMISSION FOR QUALIFICATION AS
16 AN ADMINISTRATOR FOR THE OFFERING OF A SALESPERSON ACCREDITATION
17 PROGRAM.

18 (8) ON APPROVAL OF A SALESPERSON ACCREDITATION PROGRAM UNDER
19 SUBSECTION (6), THE COMMISSION SHALL APPOINT THE PERSON SPONSORING
20 THE SALESPERSON ACCREDITATION PROGRAM AS ADMINISTRATOR OF THAT
21 PROGRAM.

22 (9) AS USED IN THIS SECTION:

23 (A) "ADMINISTRATOR" MEANS A QUALIFIED TRADE ORGANIZATION
24 AUTHORIZED BY THE COMMISSION TO OFFER SALESPERSON ACCREDITATION
25 PROGRAMS.

26 (B) "BROKER" MEANS THAT TERM AS DEFINED IN SECTION 609.

27 (C) "DESIGNATED EMPLOYEE" MEANS AN INDIVIDUAL WHO SELLS,

1 DELIVERS, PROMOTES, OR OTHERWISE ASSISTS IN THE SALE OF ALCOHOLIC
2 LIQUOR.

3 (D) "QUALIFIED TRADE ORGANIZATION" MEANS A TRADE ORGANIZATION
4 THAT REPRESENTS A PERSON DESCRIBED IN SUBSECTION (1) (A) TO (F) THAT
5 EMPLOYS INDIVIDUALS TO ACT AS SALESPERSONS.

6 (E) "SALESPERSON ACCREDITATION PROGRAM" MEANS A PROGRAM THAT
7 THE COMMISSION APPROVES UNDER SUBSECTION (6) AND THAT IS OFFERED BY
8 AN ADMINISTRATOR.

9 Enacting section 1. This amendatory act takes effect 180 days
10 after the date it is enacted into law.