

# Legislative Analysis

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## **PARTIALLY CONSUMED WINE BOTTLE**

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**Senate Bill 199 (Substitute S-2)**

**Sponsor: Sen. Jud Gilbert, II**

**House Committee: Regulatory Reform**

**Senate Committee: Economic Development, Small Business and Regulatory Reform**

**Complete to 4-22-05**

## **A SUMMARY OF SENATE BILL 199 AS PASSED BY THE SENATE 3-24-05**

Currently, alcohol sold for consumption on the licensed premises is not allowed to be removed from those premises. The bill would amend the Michigan Liquor Control Code to allow a diner who had only partially consumed a bottle of wine with a meal to remove that bottle of wine if it had been resealed according to the bill's provisions.

Specifically, a vendor licensed to sell wine on the premises could allow a person who had purchased a meal and who had purchased a bottle of wine with that meal to remove the unfinished bottle from the premises when the diner left those premises. Additional bottles of unopened wine could not be removed unless the vendor was also licensed to sell wine or beer for off-premises consumption (a specially designated merchant or SDM). To be in compliance with the bill, the person who was removing a partially consumed bottle of wine would have to reinsert a cork so that the top of the cork was level with the lip of the bottle.

In addition, if transporting the resealed wine bottle via a motor vehicle, the person would have to comply with Section 624a of the Michigan Vehicle Code (MCL 257.624a). In general, Section 624a prohibits transporting alcohol in an open or uncapped container or in a container with a broken seal within the passenger compartment of a vehicle. If a vehicle does not have a trunk or a compartment separate from the passenger area, the container must be enclosed or encased and not readily accessible to the vehicle's occupants. A violation is a misdemeanor.

MCL 436.2021

## **FISCAL IMPACT:**

There is no fiscal impact on state or local government.

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