

SENATE BILL No. 1514

September 18, 2008, Introduced by Senator THOMAS and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1021 and 1025 (MCL 436.2021 and 436.2025), section 1021 as amended by 2005 PA 21 and section 1025 as amended by 2008 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1021. (1) The commission shall not require a licensee to
2 sell or serve food to a purchaser of alcoholic liquor. The
3 commission shall not require a class A hotel or class B hotel to
4 provide food services to registered guests or to the public.

5 (2) Except as otherwise provided in subsection (3), a
6 purchaser shall not remove alcoholic liquor sold by a vendor for
7 consumption on the premises from those premises.

8 (3) A vendor licensed to sell wine on the premises may allow

1 an individual who has purchased a meal and who has purchased and
2 partially consumed a bottle of wine with the meal, to remove the
3 partially consumed bottle from the premises upon departure. This
4 subsection does not allow the removal of any additional unopened
5 bottles of wine unless the vendor is licensed as a specially
6 designated merchant. The licensee or the licensee's clerk, agent,
7 or employee shall reinsert a cork so that the top of the cork is
8 level with the lip of the bottle. The transportation or possession
9 of the partially consumed bottle of wine shall be in compliance
10 with section 624a of the Michigan vehicle code, 1949 PA 300, MCL
11 257.624a.

12 ~~—— (4) This act and rules promulgated under this act do not~~
13 ~~prevent a class A or B hotel designed to attract and accommodate~~
14 ~~tourists and visitors in a resort area from allowing its invitees~~
15 ~~or guests to possess or consume, or both, on or about its premises,~~
16 ~~alcoholic liquor purchased by the invitee or guest from an off-~~
17 ~~premises retailer, and does not prevent a guest or invitee from~~
18 ~~entering and exiting the licensed premises with alcoholic liquor~~
19 ~~purchased from an off-premises retailer.~~

20 Sec. 1025. (1) A vendor shall not give away any alcoholic
21 liquor of any kind or description at any time in connection with
22 his or her business, except manufacturers for consumption on the
23 premises only.

24 (2) Subsection (1) does not prevent any of the following:

25 (a) A vendor of spirits, brewer, mixed spirit drink
26 manufacturer, wine maker, small wine maker, outstate seller of
27 beer, outstate seller of wine, or outstate seller of mixed spirit

1 drink, or a bona fide market research organization retained by 1 of
2 the persons named in this subsection, from conducting samplings or
3 tastings of an alcoholic liquor product before it is approved for
4 sale in this state, if the sampling or tasting is conducted
5 pursuant to prior written approval of the commission.

6 (b) A person from conducting of any sampling or tasting
7 authorized by rule of the commission.

8 ~~—— (c) A class A or B hotel designed to attract and accommodate~~
9 ~~tourists and visitors in a resort area from giving away alcoholic~~
10 ~~liquor to an invitee or guest in connection with a business event~~
11 ~~or as a part of a room special or promotion for overnight~~
12 ~~accommodations.~~

13 (3) A vendor shall not sell an alcoholic liquor to a person in
14 an intoxicated condition.

15 (4) Evidence of any breathalyzer or blood alcohol test results
16 obtained in a licensed establishment, or on property adjacent to
17 the licensed premises and under the control or ownership of the
18 licensee, shall not be admissible to prove a violation of this
19 section, section 707(1), (2), (3), or (4), or section 801(2). To
20 establish a violation of this section, section 707(1), (2), (3), or
21 (4), or section 801(2), the person's intoxicated condition at the
22 time of the sale or consumption of alcohol must be proven by direct
23 observation by law enforcement or commission enforcement personnel
24 or through other admissible witness statements or corroborating
25 evidence obtained as part of the standard investigation other than
26 breathalyzer or blood alcohol test results.