

SUBSTITUTE FOR
SENATE BILL NO. 186

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 545.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 545. (1) AS USED IN THIS SECTION:

2 (A) "PRIVATE EVENT" MEANS AN EVENT WHERE NO CONSIDERATION, AS
3 DEFINED IN SECTION 913(5), IS PAID BY THE GUESTS.

4 (B) "CATERING PERMIT" MEANS A PERMIT ISSUED BY THE COMMISSION
5 TO A HOLDER OF A PUBLIC ON-PREMISES LICENSE FOR THE SALE OF
6 SPIRITS, OR THE HOLDER OF ANOTHER STATE'S SUBSTANTIALLY EQUIVALENT
7 LICENSE, AND IS ALSO LICENSED AS A FOOD SERVICE ESTABLISHMENT UNDER
8 THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1101 TO 289.8111, THAT
9 ENABLES THE PERMIT HOLDER TO SELL AND DELIVER SPIRITS IN THE
10 ORIGINAL SEALED CONTAINER TO A PERSON FOR OFF-PREMISES CONSUMPTION

1 SO LONG AS THE SALE IS NOT BY THE GLASS OR DRINK AND REQUIRES THE
2 PERMIT HOLDER TO PROVIDE THE SERVICE OF THE SPIRITS. ISSUANCE OF
3 THE PERMIT DOES NOT ALLOW THE PERMIT HOLDER TO DELIVER SPIRITS BUT
4 NOT SERVE THE SPIRITS.

5 (2) SPIRITS SOLD BY AN ON-PREMISES LICENSEE UNDER THE CATERING
6 PERMIT AUTHORIZED BY THIS SECTION SHALL NOT BE SOLD AT LESS THAN
7 THE MINIMUM RETAIL PRICE FIXED BY THE COMMISSION AND PURSUANT TO
8 RULES PROMULGATED BY THE COMMISSION FOR SPECIALLY DESIGNATED
9 DISTRIBUTORS PURSUANT TO SECTION 229.

10 (3) THE COMMISSION MAY ISSUE A CATERING PERMIT TO A PUBLIC ON-
11 PREMISES LICENSEE, OR THE HOLDER OF ANOTHER STATE'S SUBSTANTIALLY
12 EQUIVALENT LICENSE, AS A SUPPLEMENT TO THAT ON-PREMISES LICENSE, TO
13 ALLOW THE SALE AND DELIVERY OF SPIRITS IN THE ORIGINAL SEALED
14 CONTAINER AT LOCATIONS OTHER THAN THE LICENSED PREMISES AND TO
15 REQUIRE THE PERMIT HOLDER TO PROVIDE FOR SERVICE OF SPIRITS AT THE
16 PRIVATE EVENT WHERE THE ALCOHOLIC LIQUOR IS NOT RESOLD TO GUESTS.
17 THE COMMISSION SHALL NOT ISSUE A CATERING PERMIT TO AN APPLICANT
18 WHOSE FOOD SERVICE ESTABLISHMENT DELIVERS SPIRITS BUT DOES NOT
19 PROVIDE FOR THE SERVICE OF THE SPIRITS.

20 (4) THIS SECTION DOES NOT LIMIT THE NUMBER OF CATERING PERMITS
21 THE COMMISSION MAY ISSUE WITHIN ANY LOCAL UNIT OF GOVERNMENT.

22 (5) THIS SECTION DOES NOT PREVENT THE HOLDER FROM USING THE
23 CATERING PERMIT AT MULTIPLE LOCATIONS AND EVENTS DURING THE SAME
24 TIME PERIOD.

25 (6) NOTWITHSTANDING SUBSECTION (3), THIS SECTION DOES NOT
26 PROHIBIT A HOLDER OF A CATERING PERMIT FROM SELLING SPIRITS TO A
27 PERSON WHO HAS OBTAINED A SPECIAL LICENSE UNDER SECTION 527.

Senate Bill No. 186 as amended May 20, 2009

1 (7) AN APPLICANT FOR A CATERING PERMIT SHALL APPLY ON A FORM
2 APPROVED AND PROVIDED BY THE COMMISSION AND PAY AN APPLICATION AND
3 PROCESSING FEE OF \$70.00 AND A CATERING PERMIT FEE OF \$300.00 AT
4 THE TIME OF ISSUANCE. THE ON-PREMISES LICENSEE SHALL ALSO PAY THE
5 CATERING PERMIT FEE AT THE TIME OF RENEWAL OF THE ON-PREMISES
6 LICENSE.

7 (8) THE PERSON DELIVERING THE SPIRITS SHALL VERIFY THAT THE
8 PERSON ACCEPTING DELIVERY IS AT LEAST 21 YEARS OF AGE. THE CATERING
9 PERMIT HOLDER MAY UTILIZE A THIRD PARTY THAT PROVIDES DELIVERY
10 SERVICE TO MUNICIPALITIES IN THIS STATE THAT ARE SURROUNDED BY
11 WATER AND INACCESSIBLE BY MOTOR VEHICLE TO DELIVER SPIRITS TO THE
12 DESIGNATED LOCATION OF THE PRIVATE EVENT SO LONG AS THE DELIVERY
13 SERVICE IS APPROVED BY THE COMMISSION AND AGREES TO VERIFY THAT THE
14 PERSON ACCEPTING DELIVERY OF THE SPIRITS IS AT LEAST 21 YEARS OF
15 AGE.

16 (9) THE CATERING PERMIT HOLDER PROVIDING THE SERVICE, OR AN
17 EMPLOYEE OF THE CATERING PERMIT HOLDER, MUST HAVE SUCCESSFULLY
18 COMPLETED A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION.

19 (10) THE CATERING PERMIT HOLDER DELIVERING THE SPIRITS, OR AN
20 EMPLOYEE OF THE PERMIT HOLDER, SHALL HAVE IN HIS OR HER POSSESSION
21 WHILE DELIVERING THE SPIRITS DOCUMENTATION DEMONSTRATING THAT THE
22 SPIRITS BEING DELIVERED ARE FOR A PRIVATE EVENT BEING CONDUCTED
23 PURSUANT TO THIS SECTION.

24 (11) A HOLDER OF A CATERING PERMIT IS SUBJECT TO ALL
25 SANCTIONS, LIABILITIES, AND PENALTIES PROVIDED UNDER THIS ACT OR
26 UNDER LAW.

<<(12) A CATERING PERMIT HOLDER WHO SELLS AND DELIVERS SPIRITS IN
VIOLATION OF SECTION 203 IS LIABLE FOR AN ADMINISTRATIVE FINE OF NOT MORE
THAN \$1,000.00.>>