

# SENATE BILL No. 943

October 22, 2009, 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 section 913 (MCL 436.1913), as amended by 2006 PA 131.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 913. (1) A person shall not do either of the following:

2           (a) Maintain, operate, or lease, or otherwise furnish to any  
3 person, any premises or place that is not licensed under this act  
4 within which the other person may engage in the drinking of  
5 alcoholic liquor for consideration.

6           (b) Obtain by way of lease or rental agreement, and furnish or  
7 provide to any other person, any premises or place that is not  
8 licensed under this act within which any other person may engage in

1 the drinking of alcoholic liquor for consideration.

2 (2) ~~A-EXCEPT AS OTHERWISE PROVIDED FOR IN SUBSECTION (3), A~~  
3 person shall not consume alcoholic liquor in a ~~commercial-FOOD~~  
4 **SERVICE** establishment selling food if the ~~commercial-FOOD SERVICE~~  
5 establishment is not licensed under this act. A person owning,  
6 operating, or leasing a ~~commercial-FOOD SERVICE~~ establishment  
7 selling food ~~which-THAT~~ is not licensed under this act shall not  
8 allow the consumption of alcoholic liquor on its premises.

9 (3) **SUBSECTION (2) DOES NOT PROHIBIT A FOOD SERVICE**  
10 **ESTABLISHMENT NOT LICENSED UNDER THIS ACT FOR ON-PREMISES**  
11 **CONSUMPTION OF WINE FROM ALLOWING THE CONSUMPTION OF WINE BROUGHT**  
12 **IN BY A CUSTOMER IN A SEALED BOTTLE, IF THE BOTTLE WAS OBTAINED**  
13 **FROM A VENDOR LICENSED FOR SALE OF WINE FOR OFF-PREMISES**  
14 **CONSUMPTION.**

15 (4) ~~(3)-~~This section shall not apply to any hotel or any  
16 licensee under this act.

17 (5) ~~(4)-~~This section shall not be construed to repeal or amend  
18 section 1019.

19 (6) ~~(5)-~~As used in this section: ~~,"consideration"~~

20 (A) **"CONSIDERATION"** includes any fee, cover charge, ticket  
21 purchase, the storage of alcoholic liquor, the sale of food, ice,  
22 mixers, or other liquids used with alcoholic liquor drinks, or the  
23 purchasing of any service or item, or combination of service and  
24 item; or includes the furnishing of glassware or other containers  
25 for use in the consumption of alcoholic liquor in conjunction with  
26 the sale of food.

27 (B) **"FOOD SERVICE ESTABLISHMENT" MEANS THAT TERM AS DEFINED IN**

1 SECTION 1107(N) OF THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1107.