

SUBSTITUTE FOR

SENATE BILL NO. 5

(As amended, March 17, 2011)

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 547.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 547. (1) AS USED IN THIS SECTION:

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

4 (B) "CATERING PERMIT" MEANS A PERMIT ISSUED BY THE COMMISSION
5 TO A <<SPECIALLY DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT,
6 OR>> HOLDER OF A PUBLIC ON-PREMISES LICENSE FOR THE SALE OF BEER,
7 WINE, OR SPIRITS, OR ANY COMBINATION THEREOF, THAT IS ALSO LICENSED
8 AS A FOOD SERVICE ESTABLISHMENT <<OR RETAIL FOOD ESTABLISHMENT>> UNDER
9 THE FOOD LAW OF 2000, 2000 PA
10 92, MCL 289.1101 TO 289.8111, WHICH PERMIT AUTHORIZES THE PERMIT

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1 HOLDER TO SELL AND DELIVER BEER, WINE, AND SPIRITS IN THE ORIGINAL
2 SEALED CONTAINER TO A PERSON FOR OFF-PREMISES CONSUMPTION BUT ONLY
3 IF THE SALE IS NOT BY THE GLASS OR DRINK AND THE PERMIT HOLDER
4 SERVES THE BEER, WINE, OR SPIRITS. THE PERMIT DOES NOT ALLOW THE
5 PERMIT HOLDER TO DELIVER, BUT NOT SERVE, THE BEER, WINE, OR
6 SPIRITS.

7 (2) SPIRITS SOLD BY <<A SPECIALLY DESIGNATED DISTRIBUTOR,
SPECIALLY DESIGNATED MERCHANT, OR>> ON-PREMISES LICENSEE UNDER A
CATERING

8 PERMIT SHALL NOT BE SOLD AT LESS THAN THE MINIMUM RETAIL SELLING
9 PRICE FIXED BY THE COMMISSION, INCLUDING UNDER RULES PROMULGATED BY
10 THE COMMISSION FOR SPECIALLY DESIGNATED DISTRIBUTORS UNDER SECTION
11 229.

12 (3) THE COMMISSION MAY ISSUE A CATERING PERMIT TO A <<SPECIALLY
DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR>> PUBLIC
ON-

13 PREMISES LICENSEE, AS A SUPPLEMENT TO THAT << >> LICENSE, TO
14 ALLOW THE SALE AND DELIVERY OF BEER, WINE, OR SPIRITS IN THE
15 ORIGINAL SEALED CONTAINER AT LOCATIONS OTHER THAN THE LICENSED
16 PREMISES AND TO REQUIRE THE CATERING PERMIT HOLDER TO SERVE BEER,
17 WINE, OR SPIRITS AT THE PRIVATE EVENT WHERE THE ALCOHOLIC LIQUOR IS
18 NOT RESOLD TO GUESTS. THE COMMISSION SHALL NOT ISSUE A CATERING
19 PERMIT TO AN APPLICANT <<WHO >> DELIVERS
20 BEER, WINE, OR SPIRITS BUT DOES NOT SERVE THE BEER, WINE, OR
21 SPIRITS.

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

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

27 (6) THIS SECTION DOES NOT PROHIBIT A CATERING PERMIT HOLDER
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1 FROM SELLING BEER, WINE, OR SPIRITS TO A PERSON WHO HAS OBTAINED A
2 SPECIAL LICENSE IF THAT CATERING PERMIT HOLDER SERVES THE BEER,
3 WINE, OR SPIRITS AND COMPLIES WITH ALL CATERING PERMIT RULES
4 PROMULGATED BY THE COMMISSION.

5 (7) AN APPLICANT FOR A CATERING PERMIT SHALL APPLY ON A FORM
6 APPROVED AND PROVIDED BY THE COMMISSION AND PAY AN APPLICATION AND
7 PROCESSING FEE OF \$70.00 AND A CATERING PERMIT FEE OF \$100.00 ON
8 THE ISSUANCE OF THE CATERING PERMIT. THE <<APPLICANT >> SHALL
9 ALSO PAY THE CATERING PERMIT FEE ON RENEWAL OF THE <<SPECIALLY
10 DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR>> ON-
11 PREMISES
12 LICENSE.

13 (8) THE PERSON DELIVERING THE BEER, WINE, OR SPIRITS UNDER A
14 CATERING PERMIT SHALL VERIFY THAT THE INDIVIDUAL ACCEPTING DELIVERY
15 IS AT LEAST 21 YEARS OF AGE. THE CATERING PERMIT HOLDER MAY UTILIZE
16 A THIRD PARTY THAT PROVIDES DELIVERY SERVICE TO MUNICIPALITIES IN
17 THIS STATE THAT ARE SURROUNDED BY WATER AND INACCESSIBLE BY MOTOR
18 VEHICLE TO DELIVER BEER, WINE, OR SPIRITS TO THE DESIGNATED
19 LOCATION OF THE PRIVATE EVENT IF THE DELIVERY SERVICE IS APPROVED
20 BY THE COMMISSION AND AGREES TO VERIFY THAT THE INDIVIDUAL
21 ACCEPTING DELIVERY OF THE BEER, WINE, OR SPIRITS IS AT LEAST 21
22 YEARS OF AGE.

23 (9) A CATERING PERMIT HOLDER PROVIDING THE SERVICE, OR AN
24 EMPLOYEE OF THE CATERING PERMIT HOLDER, SHALL SUCCESSFULLY COMPLETE
25 A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION BEFORE
26 PROVIDING THE SERVICE.

27 (10) A CATERING PERMIT HOLDER DELIVERING THE BEER, WINE, OR
SPIRITS, OR AN EMPLOYEE OF THE CATERING PERMIT HOLDER, SHALL HAVE
IN HIS OR HER POSSESSION WHILE DELIVERING THE BEER, WINE, OR

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1 SPIRITS DOCUMENTATION DEMONSTRATING THAT THE BEER, WINE, OR SPIRITS
2 BEING DELIVERED ARE FOR A PRIVATE EVENT BEING CONDUCTED UNDER THIS
3 SECTION.

<<(11) A CATERING PERMIT HOLDER WHO PREPARES FOOD OR DRINK
FOR DIRECT CONSUMPTION THROUGH SERVICE ON THE PREMISES OR ELSEWHERE
SHALL COMPLY WITH THE REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS
UNDER THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1101 TO 289.8111.

4 (12)>> A CATERING PERMIT HOLDER IS SUBJECT TO ALL SANCTIONS,
5 LIABILITIES, AND PENALTIES PROVIDED UNDER THIS ACT OR UNDER LAW.