

**SUBSTITUTE FOR  
HOUSE BILL NO. 5811**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
(MCL 436.1101 to 436.2303) by adding section 537a.

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

1           **Sec. 537a. (1) Notwithstanding anything in this act to the**  
2 **contrary, a retailer licensed for on-premises consumption may fill**  
3 **and sell qualified containers with alcoholic liquor for consumption**  
4 **off the premises under the following conditions:**

5           **(a) The premises where the filling of qualified containers**  
6 **takes place comply with the requirements for food service**  
7 **establishments under the food law, 2000 PA 92, MCL 289.1101 to**  
8 **289.8111.**

9           **(b) The retailer or his or her agent or employee does not fill**



1 a qualified container in advance of the sale.

2 (c) The alcoholic liquor to be dispensed has received a  
3 registration number from the commission and has been approved for  
4 sale by the commission.

5 (d) The retailer sells the types of alcoholic liquor under  
6 this subsection that the on-premises licensee is authorized to sell  
7 for consumption on the premises.

8 (e) The qualified container is sealed and has a label affixed  
9 to it that includes at least the brand name of the alcoholic  
10 liquor, the net contents of the container, and the name of the  
11 retailer filling the qualified container.

12 (f) The retailer complies with all applicable rules  
13 promulgated by the commission.

14 (2) Notwithstanding anything in this act to the contrary, a  
15 retailer licensed for on-premises consumption may deliver alcoholic  
16 liquor filled and sold under subsection (1) to a consumer in this  
17 state if all of the following conditions are met:

18 (a) The retailer pays any applicable taxes to the commission  
19 and pays any applicable taxes to the department of treasury as  
20 directed by the department of treasury. On the request of the  
21 department of treasury, the retailer shall furnish an affidavit to  
22 verify payment.

23 (b) The retailer complies with all laws of this state,  
24 including, but not limited to, the prohibition on sales to minors.

25 (c) The retailer delivers the types of alcoholic liquor under  
26 this subsection that the retailer is authorized to sell for  
27 consumption on the premises.

28 (d) The alcoholic liquor must be delivered by the retailer's  
29 employee or a third party facilitator service, as that term is



1 defined in section 203.

2 (e) The person that delivers the alcoholic liquor verifies  
3 that the individual accepting delivery is at least 21 years of age.

4 (f) The retailer does not allow a straw hole on the qualified  
5 container.

6 (3) As used in this section:

7 (a) "Consumer" means that term as defined in section 203.

8 (b) "Qualified container" means any clean, refillable,  
9 resealable container that is exclusively intended, and used only,  
10 for the sale of alcoholic liquor for consumption off the premises  
11 and that has a liquid capacity that does not exceed 1 gallon.

