

# SENATE BILL No. 1120

May 9, 2012, Introduced by Senators HANSEN, WALKER, PROOS, ROBERTSON, KOWALL, SCHUITMAKER, MEEKHOF and BOOHER and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
(MCL 436.1101 to 436.2303) by adding section 415.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 415. (1) THE COMMISSION MAY ISSUE A FARMER'S MARKET  
2        PERMIT TO A SMALL WINE MAKER OR AN OUT-OF-STATE ENTITY THAT IS THE  
3        SUBSTANTIAL EQUIVALENT OF A SMALL WINE MAKER. THE HOLDER OF A  
4        FARMER'S MARKET PERMIT MAY CONDUCT TASTINGS AND SELL, AT RETAIL AT  
5        A FARMER'S MARKET, THE WINE PRODUCED BY THAT SMALL WINE MAKER.

6        (2) THE COMMISSION SHALL CHARGE A FEE FOR A FARMER'S MARKET  
7        PERMIT OF \$25.00 FOR EACH FARMER'S MARKET LOCATION. THE COMMISSION  
8        SHALL NOT LIMIT THE NUMBER OF PERMITS A SMALL WINE MAKER, OR AN  
9        OUT-OF-STATE ENTITY THAT IS SUBSTANTIAL EQUIVALENT OF A SMALL WINE  
10       MAKER, OBTAINS UNDER THIS SECTION, BUT AN APPLICATION FOR A  
11       FARMER'S MARKET PERMIT SHALL ONLY CONTAIN UP TO 5 SEPARATE

1 LOCATIONS AT 1 TIME. SECTION 503 DOES NOT APPLY TO THE APPLICATION  
2 OR ISSUANCE OF A PERMIT UNDER THIS SUBSECTION OR TO THE LOCATION OF  
3 A FARMER'S MARKET WHERE THE HOLDER OF A FARMER'S MARKET PERMIT  
4 INTENDS TO PARTICIPATE UNDER THIS SECTION.

5 (3) THE COMMISSION SHALL NOT ISSUE A FARMER'S MARKET PERMIT  
6 UNDER THIS SECTION UNLESS THE APPLICANT PROVIDES DOCUMENTATION, IN  
7 A MANNER PRESCRIBED BY THE COMMISSION, THAT THE LOCAL POLICE AGENCY  
8 WHERE THE FARMER'S MARKET IS LOCATED AND THE FARMER'S MARKET  
9 MANAGER AT THAT LOCATION HAVE APPROVED THE PROPOSED ACTIVITY.

10 (4) THE TASTINGS AND SALES PERFORMED UNDER A FARMER'S MARKET  
11 PERMIT SHALL BE LIMITED TO AN EXCLUSIVE AREA, IN A MANNER  
12 PRESCRIBED BY THE COMMISSION, THAT IS UNDER THE CONTROL OF THE  
13 HOLDER OF THE FARMER'S MARKET PERMIT, AS VERIFIED BY THE FARMER'S  
14 MARKET MANAGER.

15 (5) THE TASTINGS AND SALES PERFORMED UNDER A FARMER'S MARKET  
16 PERMIT SHALL BE CONDUCTED BY EMPLOYEES OF THE HOLDER OF THE  
17 FARMER'S MARKET PERMIT WHO HAVE COMPLETED A SERVER TRAINING COURSE  
18 APPROVED BY THE COMMISSION.

19 (6) THE WINE SOLD OR USED FOR TASTINGS SHALL BE FURNISHED FROM  
20 THE STOCK OF THE HOLDER OF THE FARMER'S MARKET PERMIT AND REMOVED  
21 FROM THE FARMER'S MARKET PREMISES IMMEDIATELY AFTER THE FARMER'S  
22 MARKET HAS CONCLUDED.

23 (7) TASTING SAMPLES PROVIDED TO A CUSTOMER SHALL NOT EXCEED 3  
24 SERVINGS OF NOT MORE THAN 2 OUNCES OF WINE IN A 24-HOUR PERIOD OF  
25 TIME.

26 (8) THE COMMISSION SHALL DEVELOP AN APPLICATION FOR AN ANNUAL  
27 FARMER'S MARKET PERMIT ALLOWING FOR LICENSED ACTIVITIES UNDER THIS

1 SECTION. A FARMER'S MARKET MANAGER SHALL VERIFY ON THE APPLICATION  
2 THAT THE LOCATION LISTED ON THE APPLICATION QUALIFIES AS A FARMER'S  
3 MARKET UNDER THIS SECTION.

4 (9) A WHOLESALER SHALL NOT CONDUCT OR PARTICIPATE IN ANY EVENT  
5 ALLOWED BY THIS SECTION.

6 (10) A HOLDER OF A FARMER'S MARKET PERMIT IS CONSIDERED A  
7 MANUFACTURER AS PROVIDED UNDER SECTION 603(15)(A).

8 (11) AS USED IN THIS SECTION:

9 (A) "FARMER'S MARKET" MEANS A GROUP OF FARMERS OR THEIR  
10 DESIGNEES OR A VARIETY OF VENDORS, AS DETERMINED BY THE FARMER'S  
11 MARKET MANAGER OR HIS OR HER DESIGNEE, WHO ASSEMBLES ON A RECURRING  
12 BASIS AT A DEFINED COMMUNITY SPONSORED OR MUNICIPALLY SPONSORED  
13 LOCATION FOR THE PURPOSES OF SELLING, DIRECTLY TO A CONSUMER, FOOD  
14 AND PRODUCTS PRODUCED BY THOSE FARMERS OR THEIR REPRESENTATIVES.

15 (B) "FARMER'S MARKET MANAGER" MEANS THE PERSON RESPONSIBLE FOR  
16 ENFORCING THE MARKET POLICY AND FOR THE DAILY OPERATION AND  
17 MANAGEMENT OF THE FARMER'S MARKET.

18 (C) "FARMER'S MARKET PERMIT" MEANS AN ANNUAL PERMIT ISSUED AS  
19 PART OF AN APPROVED LICENSE TO A SMALL WINE MAKER OR AN OUT-OF-  
20 STATE ENTITY THAT IS THE SUBSTANTIAL EQUIVALENT OF A SMALL WINE  
21 MAKER ALLOWING THAT PERSON TO CONDUCT TASTINGS AND SELL AT RETAIL,  
22 FOR CONSUMPTION OFF THE LICENSED PREMISES, AT A FARMER'S MARKET,  
23 WINE PRODUCED BY THE SMALL WINE MAKER.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect  
27 unless Senate Bill No. 32 of the 96th Legislature is enacted into

1 law.