

Legislative Analysis



BRING YOUR OWN WINE TO ON-PREMISES LICENSEE

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House Bill 5046 (Substitute H-1)
Sponsor: Rep. Jim Stamas
Committee: Regulatory Reform

Complete to 11-13-13

A SUMMARY OF HOUSE BILL 5046 AS REPORTED FROM COMMITTEE 11-12-13

Section 901 of the Liquor Control Code generally prohibits retail licensees from allowing individuals to consume alcohol on licensed premises that is not purchased by the licensee.

House Bill 5046 would authorize an on-premises licensee to allow individuals to bring wine that was not purchased from the licensee and consume it on the licensed premises as long as the wine was (1) brought into the licensed premises in its original sealed container by a consumer who is not prohibited from possessing wine, and (2) the wine was produced by a wine maker, a small wine maker, or an out-of state entity that is substantially equivalent to one of those. (An "on-premises licensee" means a person who is licensed by the Liquor Control Commission to sell alcoholic liquor at retail for consumption on the licensed premises.)

The licensee could not allow a consumer to leave with a partially consumed bottle of wine brought onto the premises by the consumer unless the licensee (or an agent, clerk, or employee of the licensee) caps the bottle or reinserts the cork so that the top of the cork is level with the lip of the bottle.

The on-premises licensee would be able to charge a corkage fee (an amount to be determined by the licensee) for each bottle of wine that is brought by the consumer and opened on the premises.

The bill would not exempt the on-premises licensee or the consumer from any other applicable requirements, responsibilities, or sanctions imposed under the Liquor Control Code.

MCL 436.2021

FISCAL IMPACT:

House Bill 5046 would not have a significant fiscal impact on the state or on local units of government.

POSITIONS:

Associated Food and Petroleum Dealers supports the bill. (11-12-13)

Michigan Beer and Wine Wholesalers Association supports the bill. (11-12-13)

Michigan Brewers Guild supports the bill. (11-12-13)

Michigan Licensed Beverage Association supports the bill. (11-12-13)

Michigan Restaurant Association supports the bill. (11-12-13)

Wine Institute supports the bill. (11-12-13)

Michigan Liquor Control Commission is neutral on the bill. (11-12-13)

BACKGROUND INFORMATION AND DISCUSSION:

Public Act 21 of 2005 allowed an individual who has purchased a meal and partially consumed a bottle of wine with the meal to remove the partially consumed bottle from the restaurant when they leave, as long as the bottle is corked by an employee of the restaurant. However, current law does not allow individuals to consume alcohol on licensed premises if the alcohol was not purchased by the licensee (that is, by the restaurant). House Bill 5046 would authorize licensees to allow patrons to bring their own wine into the restaurant and remove any unused portion, if it is done in accordance with the provisions of the bill.

The bill would allow licensees to engage in this practice but would not require them to allow customers to bring in their own wine.

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