

# HOUSE BILL No. 5046

October 2, 2013, Introduced by Rep. Stamas and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 1021 (MCL 436.2021), as amended by 2005 PA 21.

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

1           Sec. 1021. (1) The commission shall not require a licensee to  
2 sell or serve food to a purchaser of alcoholic liquor. The  
3 commission shall not require a class A hotel or class B hotel to  
4 provide food services to registered guests or to the public.

5           (2) Except as otherwise provided in subsection (3), a  
6 purchaser shall not remove alcoholic liquor sold by a vendor for  
7 consumption on the premises from those premises.

8           (3) A vendor licensed to sell wine on the premises may allow  
9 an individual who has purchased a meal and who has purchased and  
10 partially consumed a bottle of wine with the meal, to remove the

1 partially consumed bottle from the premises upon departure. This  
2 subsection does not allow the removal of any additional unopened  
3 bottles of wine unless the vendor is licensed as a specially  
4 designated merchant. The licensee or the licensee's clerk, agent,  
5 or employee shall **CAP THE BOTTLE OR** reinsert a cork so that the top  
6 of the cork is level with the lip of the bottle. The transportation  
7 or possession of the partially consumed bottle of wine shall be in  
8 compliance with section 624a of the Michigan vehicle code, 1949 PA  
9 300, MCL 257.624a.

10 (4) This act and rules promulgated under this act do not  
11 prevent a class A or B hotel designed to attract and accommodate  
12 tourists and visitors in a resort area from allowing its invitees  
13 or guests to possess or consume, or both, on or about its premises  
14 ~~—~~alcoholic liquor purchased by the invitee or guest from an off-  
15 premises retailer ~~—~~and does not prevent a guest or invitee from  
16 entering and exiting the licensed premises with alcoholic liquor  
17 purchased from an off-premises retailer.

18 (5) **NOTWITHSTANDING SECTION 901(6), AN ON-PREMISES LICENSEE**  
19 **MAY ALLOW FOR THE CONSUMPTION OF WINE THAT IS PRODUCED BY A WINE**  
20 **MAKER, A SMALL WINE MAKER, OR AN OUT-OF-STATE ENTITY THAT IS THE**  
21 **SUBSTANTIAL EQUIVALENT OF A WINE MAKER OR SMALL WINE MAKER AND THAT**  
22 **IS BROUGHT INTO THE LICENSED PREMISES IN ITS ORIGINAL SEALED**  
23 **CONTAINER BY A CONSUMER WHO IS NOT PROHIBITED UNDER THIS ACT FROM**  
24 **POSSESSING WINE. THE LICENSEE SHALL NOT ALLOW THE CONSUMER TO**  
25 **REMOVE A PARTIALLY CONSUMED BOTTLE OF WINE BROUGHT BY THE CONSUMER**  
26 **UNLESS THE LICENSEE OR THE LICENSEE'S CLERK, AGENT, OR EMPLOYEE**  
27 **CAPS THE BOTTLE OR REINSERTS THE CORK SO THAT THE TOP OF THE CORK**

1 IS LEVEL WITH THE LIP OF THE BOTTLE. THE LICENSEE SHALL CHARGE A  
2 MINIMUM CORKAGE FEE OF \$25.00 FOR EACH BOTTLE OF WINE BROUGHT BY  
3 THE CONSUMER AND OPENED ON THE PREMISES BY THE LICENSEE OR THE  
4 LICENSEE'S CLERK, AGENT, OR EMPLOYEE. THIS SUBSECTION DOES NOT  
5 EXEMPT THE LICENSEE OR THE CONSUMER FROM ANY OTHER APPLICABLE  
6 REQUIREMENTS, RESPONSIBILITIES, OR SANCTIONS IMPOSED UNDER THIS  
7 ACT.