

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1088**

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 203 (MCL 436.1203), as amended by 2014 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 203. (1) Except as provided in this section and section
2 301, a person shall not sell, deliver, or import alcoholic liquor,
3 including alcoholic liquor for personal use, in this state unless
4 the sale, delivery, or importation is made by the commission, the
5 commission's authorized agent or distributor, an authorized
6 distribution agent approved by order of the commission, a person
7 licensed by the commission, or by prior written order of the
8 commission.

9 (2) Notwithstanding R 436.1011(7) (b) and R 436.1527 of the
10 Michigan ~~administrative code~~ **ADMINISTRATIVE CODE** and except as

1 provided in ~~subsection (11)~~, **SUBSECTIONS (3) AND (12)**, a retailer
2 shall not deliver alcoholic liquor to a consumer in this state at
3 the home or business of the consumer or at any location away from
4 the licensed premises of the retailer. The purpose of this
5 subsection is to exercise ~~the state of Michigan's~~ **THIS STATE'S**
6 authority under section 2 of amendment XXI of the constitution of
7 the United States, to maintain the inherent police powers to
8 regulate the transportation and delivery of alcoholic liquor, and
9 to promote a transparent system for the transportation and delivery
10 of alcoholic liquor. The regulation described in this subsection is
11 considered necessary for both of the following reasons:

12 (a) To promote the public health, safety, and welfare.

13 (b) To maintain strong, stable, and effective regulation by
14 having beer and wine sold by retailers to consumers in this state
15 by passing through the 3-tier distribution system established under
16 this act.

17 **(3) FOR PURPOSES OF SUBSECTION (1), A RETAILER THAT HOLDS A**
18 **SPECIALLY DESIGNATED MERCHANT LICENSE LOCATED IN THIS STATE MAY USE**
19 **A COMMON CARRIER TO DELIVER WINE TO A CONSUMER IN THIS STATE. A**
20 **RETAILER THAT USES A COMMON CARRIER TO DELIVER WINE TO A CONSUMER**
21 **UNDER THIS SUBSECTION SHALL COMPLY WITH ALL OF THE FOLLOWING:**

22 **(A) PAY ANY APPLICABLE TAXES TO THE COMMISSION AND PAY ANY**
23 **APPLICABLE TAXES TO THE DEPARTMENT OF TREASURY AS DIRECTED BY THE**
24 **DEPARTMENT OF TREASURY. ON THE REQUEST OF THE DEPARTMENT OF**
25 **TREASURY, A RETAILER SHALL FURNISH AN AFFIDAVIT TO VERIFY PAYMENT.**

26 **(B) COMPLY WITH ALL PROHIBITIONS OF THE LAWS OF THIS STATE,**
27 **INCLUDING, BUT NOT LIMITED TO, SALES TO MINORS.**

1 (C) VERIFY THE AGE OF THE INDIVIDUAL PLACING THE ORDER BY
2 OBTAINING FROM HIM OR HER A COPY OF A PHOTO IDENTIFICATION ISSUED
3 BY THIS STATE, ANOTHER STATE, OR THE FEDERAL GOVERNMENT OR BY USING
4 AN IDENTIFICATION VERIFICATION SERVICE. THE PERSON RECEIVING AND
5 ACCEPTING THE ORDER ON BEHALF OF THE RETAILER SHALL RECORD THE
6 NAME, ADDRESS, DATE OF BIRTH, AND TELEPHONE NUMBER OF THE
7 INDIVIDUAL PLACING THE ORDER ON THE ORDER FORM OR OTHER VERIFIABLE
8 RECORD OF A TYPE AND GENERATED IN A MANNER APPROVED BY THE
9 COMMISSION AND PROVIDE A DUPLICATE TO THE COMMISSION.

10 (D) ON REQUEST OF THE COMMISSION, MAKE AVAILABLE TO THE
11 COMMISSION ANY DOCUMENT USED TO VERIFY THE AGE OF THE INDIVIDUAL
12 ORDERING OR RECEIVING THE WINE FROM THE RETAILER.

13 (E) STAMP, PRINT, OR LABEL ON THE OUTSIDE OF THE SHIPPING
14 CONTAINER THAT THE PACKAGE "CONTAINS ALCOHOL. MUST BE DELIVERED TO
15 A PERSON 21 YEARS OF AGE OR OLDER". THE RECIPIENT AT THE TIME OF
16 THE DELIVERY SHALL PROVIDE IDENTIFICATION VERIFYING HIS OR HER AGE
17 AND SIGN FOR THE DELIVERY.

18 (F) PLACE A LABEL ON THE TOP PANEL OF THE SHIPPING CONTAINER
19 CONTAINING THE NAME AND ADDRESS OF THE INDIVIDUAL PLACING THE ORDER
20 AND THE NAME OF THE DESIGNATED RECIPIENT IF DIFFERENT FROM THE NAME
21 OF THE INDIVIDUAL PLACING THE ORDER.

22 (4) ~~(3)~~—For purposes of subsection (1), a direct shipper may
23 sell, deliver, or import wine ~~,~~ to consumers in this state by means
24 of any mail order, internet, telephone, computer, device, or other
25 electronic means, or sell directly to a consumer on the winery
26 premises. A direct shipper that sells, delivers, or imports wine to
27 a consumer under this subsection shall comply with all of the

1 following:

2 (a) Hold a direct shipper license.

3 (b) Pay any applicable taxes to the commission and pay any
4 applicable taxes to the department of treasury as directed by the
5 department of treasury. ~~Upon~~**ON** the request of the department of
6 treasury, a direct shipper shall furnish an affidavit to verify
7 payment.

8 (c) Comply with all prohibitions of the laws of this state,
9 including, but not limited to, sales to minors.

10 (d) Verify the age of the individual placing the order by
11 obtaining from him or her a copy of a photo identification issued
12 by this state, another state, or the federal government or by
13 ~~utilizing~~**USING** an identification verification service. The person
14 receiving and accepting the order on behalf of the direct shipper
15 shall record the name, address, date of birth, and telephone number
16 of the individual placing the order on the order form or other
17 verifiable record of a type and generated in a manner approved by
18 the commission and provide a duplicate to the commission.

19 (e) ~~Upon~~**ON** request of the commission, make available to the
20 commission any document used to verify the age of the individual
21 ordering or receiving the wine from the direct shipper.

22 (f) Stamp, print, or label on the outside of the shipping
23 container that the package "Contains Alcohol. Must be delivered to
24 a person 21 years of age or older." The recipient at the time of
25 the delivery shall provide photo identification verifying his or
26 her age ~~along with a signature.~~**AND SIGN FOR THE DELIVERY.**

27 (g) Place a label on the top panel of the shipping container

1 containing ~~the direct shipper license number, the order number,~~ the
2 name and address of the individual placing the order ~~and~~ the name
3 of the designated recipient if different from the name of the
4 individual placing the order. **THE DIRECT SHIPPER MUST HAVE RECEIVED**
5 **A REGISTRATION NUMBER OF APPROVAL FROM THE COMMISSION FOR ANY WINE**
6 **IMPORTED INTO THIS STATE. HOWEVER, THE REGISTRATION NUMBER OF**
7 **APPROVAL FROM THE COMMISSION IS NOT REQUIRED TO BE ON THE INVOICE**
8 **OR ON THE LABEL OF THE WINE THAT THE DIRECT SHIPPER SELLS,**
9 **DELIVERS, OR IMPORTS TO A CONSUMER IN THIS STATE.**

10 (h) Direct ship not more than 1,500 9-liter cases, or 13,500
11 liters in total, of wine in a calendar year to consumers in this
12 state. If a direct shipper, whether located in this state or
13 outside this state, owns, in whole or in part, or commonly manages
14 1 or more direct shippers, it shall not in combination ship to
15 consumers in this state more than 13,500 liters of wine in the
16 aggregate.

17 (i) Pay wine taxes quarterly and report to the commission
18 quarterly the total amount of wine, by type, brand, and price,
19 shipped to consumers in this state during the preceding calendar
20 quarter, and the order numbers.

21 (j) Authorize and allow the commission and the department of
22 treasury to conduct an audit of the direct shipper's records.

23 (k) Consent and submit to the jurisdiction of the commission,
24 the department of treasury, and the courts of this state concerning
25 enforcement of this section and any related laws, rules, and
26 regulations.

27 **(5) ~~(4) Notwithstanding subsection (3), in the case of~~ FOR A**

1 **DELIVERY OF WINE OCCURRING BY ANY MEANS DESCRIBED IN SUBSECTION**
2 **(3), A PERSON TAKING THE ORDER ON BEHALF OF THE RETAILER SHALL**
3 **COMPLY WITH SUBSECTION (3) (B) TO (F). FOR** a sale, delivery, or
4 importation of ~~alcoholic liquor~~ **WINE** occurring by any means
5 described in subsection ~~(3), (4)~~, a person taking the order on
6 behalf of the direct shipper shall comply with subsection ~~(3)(e)~~
7 ~~through~~ **(4) (C) TO** (g).

8 **(6)** ~~(5)~~—A person that delivers the wine for a direct shipper
9 under this section shall verify that the individual accepting
10 delivery is 21 years of age or older and is the individual who
11 placed the order or the designated recipient, is an individual 21
12 years of age or older currently occupying or present at the
13 address, or is an individual otherwise authorized through a rule
14 promulgated under this act by the commission to receive alcoholic
15 liquor under this section. If the delivery person, after a diligent
16 inquiry, determines that the purchaser or designated recipient is
17 not 21 years **OF** age or older, the delivery person shall return the
18 wine to the direct shipper. A delivery person who returns wine to
19 the direct shipper because the purchaser or designated recipient is
20 not 21 years of age or older is not liable for any damages suffered
21 by the purchaser or direct shipper.

22 **(7)** ~~(6)~~—All spirits for sale, use, storage, or distribution in
23 this state ~~,~~ shall originally be purchased by and imported into the
24 state by the commission, or by prior written authority of the
25 commission.

26 **(8)** ~~(7)~~—This section does not apply to alcoholic liquor
27 brought into this state for personal or household use in an amount

1 permitted by federal law by an individual 21 years of age or older
2 at the time of reentry into this state from without the territorial
3 limits of the United States if the individual has been outside the
4 territorial limits of the United States for more than 48 hours and
5 has not brought alcoholic liquor into the United States during the
6 preceding 30 days.

7 (9) ~~(8)~~—An individual 21 years of age or older may do either
8 of the following in relation to alcoholic liquor that contains less
9 than 21% alcohol by volume:

10 (a) Personally transport from another state, once in a 24-hour
11 period, not more than 312 ounces of alcoholic liquor for that
12 individual's personal use, notwithstanding subsection (1).

13 (b) Ship or import from another state alcoholic liquor for
14 that individual's personal use if that personal importation is done
15 in compliance with subsection (1).

16 (10) ~~(9)~~—A direct shipper shall not sell, deliver, or import
17 wine to a consumer unless it applies for and is granted a direct
18 shipper license from the commission. This subsection does not
19 prohibit wine tasting or the selling at retail by a wine maker of
20 wines he or she produced and bottled or wine manufactured for that
21 wine maker by another wine maker, if done in compliance with this
22 act. Only the following persons qualify for the issuance of a
23 direct shipper license:

24 (a) A wine maker.

25 (b) A wine producer and bottler located inside this country
26 but outside of this state holding both a federal basic permit
27 issued by the ~~alcohol and tobacco tax and trade bureau~~ **ALCOHOL AND**

1 **TOBACCO TAX AND TRADE BUREAU OF THE UNITED STATES DEPARTMENT OF**
 2 **TREASURY** and a license to manufacture wine in its state of
 3 domicile.

4 **(11)** ~~(10)~~—An applicant for a direct shipper license shall
 5 submit an application to the commission in a written or electronic
 6 format provided by the commission and accompanied by an application
 7 and initial license fee of \$100.00. The application shall ~~shall~~ **MUST** be
 8 accompanied by a copy or other evidence of the existing federal
 9 basic permit or license, or both, held by the applicant. The direct
 10 shipper may renew its license annually by submission of a license
 11 renewal fee of \$100.00 and a completed renewal application. The
 12 commission shall use the fees collected under this section to
 13 conduct investigations and audits of direct shippers. The failure
 14 to renew, or the revocation or suspension of, the applicant's
 15 existing Michigan license, federal basic permit, or license to
 16 manufacture wine in its state of domicile is grounds for revocation
 17 or denial of the direct shipper license. If a direct shipper is
 18 found guilty of violating this act or a rule promulgated by the
 19 commission, the commission shall notify both the alcoholic liquor
 20 control agency in the direct shipper's state of domicile and the
 21 ~~alcohol and tobacco tax and trade bureau~~ **ALCOHOL AND TOBACCO TAX**
 22 **AND TRADE BUREAU** of the United States ~~department of treasury~~
 23 **DEPARTMENT OF TREASURY** of the violation.

24 **(12)** ~~(11)~~—Except as otherwise provided under subsection ~~(12)~~,
 25 **(13) OR (14)**, a retailer that holds a specially designated merchant
 26 license, ~~in this state; an out of state retailer that holds its~~
 27 ~~state's substantial equivalent license; or a brewpub, A~~ micro

1 brewer, or an out-of-state entity that is the substantial
2 equivalent of a brewpub or micro brewer may deliver beer and wine
3 to the home or other designated location of a consumer in this
4 state if all of the following conditions are met:

5 (a) The beer or wine, or both, is delivered by the retailer's,
6 brewpub's, or micro brewer's employee. ~~and not by an agent or by a~~
7 ~~third party delivery service.~~

8 (b) The retailer, brewpub, or micro brewer or its employee who
9 delivers the beer or wine, or both, verifies that the individual
10 accepting delivery is at least 21 years of age.

11 (c) If the retailer, brewpub, or micro brewer or its employee
12 intends to provide service to consumers, the retailer, brewpub, or
13 micro brewer or its employee providing the service has received
14 alcohol server training through a server training program approved
15 by the commission.

16 **(13)** ~~(12)~~ A retailer that holds a specially designated
17 merchant license ~~in this state or an out-of-state retailer that~~
18 ~~holds its state's substantial equivalent license may utilize~~ **USE** a
19 third party that provides delivery service to municipalities in
20 this state that are surrounded by water and inaccessible by motor
21 vehicle to deliver beer and wine to the home or other designated
22 location of that consumer if the delivery service is approved by
23 the commission and agrees to verify that the individual accepting
24 delivery of the beer and wine is at least 21 years of age.

25 **(14) A RETAILER THAT HOLDS A SPECIALLY DESIGNATED MERCHANT**
26 **LICENSE LOCATED IN THIS STATE MAY USE A THIRD PARTY FACILITATOR**
27 **SERVICE BY MEANS OF THE INTERNET OR MOBILE APPLICATION TO**

1 FACILITATE THE SALE OF BEER OR WINE TO BE DELIVERED TO THE HOME OR
2 DESIGNATED LOCATION OF A CONSUMER, A RETAILER THAT HOLDS A
3 SPECIALLY DESIGNATED DISTRIBUTOR LICENSE LOCATED IN THIS STATE MAY
4 USE A THIRD PARTY FACILITATOR SERVICE BY MEANS OF THE INTERNET OR
5 MOBILE APPLICATION TO FACILITATE THE SALE OF SPIRITS TO BE
6 DELIVERED TO THE HOME OR DESIGNATED LOCATION OF A CONSUMER, AND A
7 THIRD PARTY FACILITATOR SERVICE MAY DELIVER BEER OR WINE TO A
8 CONSUMER ON BEHALF OF A RETAILER THAT HOLDS A SPECIALLY DESIGNATED
9 MERCHANT LICENSE LOCATED IN THIS STATE OR MAY DELIVER SPIRITS TO A
10 CONSUMER ON BEHALF OF A RETAILER THAT HOLDS A SPECIALLY DESIGNATED
11 DISTRIBUTOR LICENSE LOCATED IN THIS STATE, IF ALL OF THE FOLLOWING
12 CONDITIONS ARE MET:

13 (A) THE THIRD PARTY FACILITATOR SERVICE VERIFIES THAT THE
14 INDIVIDUAL ACCEPTING DELIVERY OF THE BEER, WINE, OR SPIRITS IS AT
15 LEAST 21 YEARS OF AGE.

16 (B) A MANUFACTURER, WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF
17 BEER, OUTSTATE SELLER OF WINE, OR OUTSTATE SELLER OF SPIRITS DOES
18 NOT HAVE A DIRECT OR INDIRECT INTEREST IN THE THIRD PARTY
19 FACILITATOR SERVICE.

20 (C) A MANUFACTURER, WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF
21 BEER, OUTSTATE SELLER OF WINE, OR OUTSTATE SELLER OF SPIRITS DOES
22 NOT AID OR ASSIST A THIRD PARTY FACILITATOR SERVICE BY GIFT, LOAN
23 OF MONEY, PROPERTY, OR ANY DESCRIPTION, OR OTHER VALUABLE THING AS
24 DEFINED IN SECTION 609, AND A THIRD PARTY FACILITATOR SERVICE DOES
25 NOT ACCEPT THE SAME.

26 (D) THE RETAILER OR CONSUMER PAYS THE FEES ASSOCIATED WITH
27 DELIVERIES PROVIDED FOR UNDER THIS SUBSECTION.

1 (E) THE THIRD PARTY FACILITATOR SERVICE OFFERS SERVICES FOR
2 ALL BRANDS AVAILABLE AT THE RETAIL LOCATION.

3 (15) A THIRD PARTY FACILITATOR SERVICE SHALL NOT DELIVER BEER,
4 WINE, OR SPIRITS TO A CONSUMER AS PROVIDED IN SUBSECTION (14)
5 UNLESS IT APPLIES FOR AND IS GRANTED A THIRD PARTY FACILITATOR
6 SERVICE LICENSE BY THE COMMISSION. THE COMMISSION MAY CHARGE A
7 REASONABLE APPLICATION FEE, INITIAL LICENSE FEE, AND ANNUAL LICENSE
8 RENEWAL FEE. THE COMMISSION SHALL ESTABLISH A FEE UNDER THIS
9 SUBSECTION BY WRITTEN ORDER.

10 (16) IF A THIRD PARTY FACILITATOR SERVICE USED BY A RETAILER
11 THAT HOLDS A SPECIALLY DESIGNATED MERCHANT OR SPECIALLY DESIGNATED
12 DISTRIBUTOR LICENSE UNDER SUBSECTION (14) VIOLATES THIS SECTION,
13 THE COMMISSION SHALL NOT TREAT THE THIRD PARTY FACILITATOR
14 SERVICE'S VIOLATION AS A VIOLATION BY THE RETAILER.

15 (17) ~~(13)~~ For purposes of subsection (1), a qualified micro
16 brewer or an out-of-state entity that is the substantial equivalent
17 of a qualified micro brewer may sell and deliver beer to a retailer
18 in this state if all of the following conditions are met:

19 (a) The retailer is not located in a sales territory for which
20 the qualified micro brewer has granted exclusive sales rights to a
21 wholesaler ~~pursuant to~~ **UNDER** sections 401 and 403 for the sale of
22 any brand or brands of beer produced by that micro brewer.

23 (b) The beer is sold and delivered by an employee of the
24 qualified micro brewer, not an agent, and is transported and
25 delivered ~~utilizing~~ **USING** a vehicle owned by the qualified micro
26 brewer. ~~, not by a third party delivery service.~~

27 (c) The qualified micro brewer is in compliance with

1 applicable state and federal law and applicable regulatory
2 provisions of this act and rules adopted by the commission under
3 this act including, but not limited to, those requirements related
4 to each of the following:

5 (i) Employees that sell and deliver beer to retailers.

6 (ii) Vehicles used to deliver beer to retailers.

7 (iii) Price schedules and temporary price reductions.

8 (18) A COMMON CARRIER THAT CARRIES OR TRANSPORTS ALCOHOLIC
9 LIQUOR INTO THIS STATE TO A PERSON IN THIS STATE SHALL SUBMIT
10 QUARTERLY REPORTS TO THE COMMISSION. A REPORT REQUIRED UNDER THIS
11 SUBSECTION MUST INCLUDE ALL OF THE FOLLOWING ABOUT EACH DELIVERY TO
12 A CONSUMER IN THIS STATE DURING THE PRECEDING CALENDAR QUARTER:

13 (A) THE NAME AND BUSINESS ADDRESS OF THE PERSON THAT SHIPS
14 ALCOHOLIC LIQUOR.

15 (B) THE NAME AND ADDRESS OF THE RECIPIENT OF ALCOHOLIC LIQUOR.

16 (C) THE WEIGHT OF ALCOHOLIC LIQUOR DELIVERED TO A CONSIGNEE.

17 (D) THE DATE OF THE DELIVERY.

18 (19) A COMMON CARRIER DESCRIBED IN SUBSECTION (18) SHALL
19 MAINTAIN THE BOOKS, RECORDS, AND DOCUMENTS SUPPORTING A REPORT
20 SUBMITTED UNDER SUBSECTION (18) FOR 3 YEARS UNLESS THE COMMISSION
21 NOTIFIES THE COMMON CARRIER IN WRITING THAT THE BOOKS, RECORDS, AND
22 SUPPORTING DOCUMENTS MAY BE DESTROYED. WITHIN 30 DAYS AFTER THE
23 COMMISSION'S REQUEST, THE COMMON CARRIER SHALL MAKE THE BOOKS,
24 RECORDS, AND DOCUMENTS AVAILABLE FOR INSPECTION DURING NORMAL
25 BUSINESS HOURS. WITHIN 30 DAYS AFTER A LOCAL LAW ENFORCEMENT
26 AGENCY'S OR LOCAL GOVERNMENTAL UNIT'S REQUEST, THE COMMON CARRIER
27 SHALL ALSO MAKE THE BOOKS, RECORDS, AND DOCUMENTS AVAILABLE FOR

1 INSPECTION TO A LOCAL LAW ENFORCEMENT AGENCY OR LOCAL GOVERNMENTAL
2 UNIT WHERE THE CARRIER RESIDES OR DOES BUSINESS.

3 (20) A THIRD PARTY FACILITATOR SERVICE THAT DELIVERS BEER,
4 WINE, OR SPIRITS TO A CONSUMER UNDER SUBSECTION (14) SHALL SUBMIT
5 QUARTERLY REPORTS TO THE COMMISSION. A REPORT REQUIRED UNDER THIS
6 SUBSECTION MUST INCLUDE ALL OF THE FOLLOWING ABOUT EACH DELIVERY TO
7 A CONSUMER IN THIS STATE DURING THE PRECEDING CALENDAR QUARTER:

8 (A) THE NAME AND BUSINESS ADDRESS OF THE PERSON THAT SHIPS
9 BEER, WINE, OR SPIRITS.

10 (B) THE NAME AND ADDRESS OF THE RECIPIENT OF BEER, WINE, OR
11 SPIRITS.

12 (C) THE WEIGHT OF BEER, WINE, OR SPIRITS DELIVERED TO A
13 CONSIGNEE.

14 (D) THE DATE OF THE DELIVERY.

15 (21) A THIRD PARTY FACILITATOR SERVICE SHALL MAINTAIN THE
16 BOOKS, RECORDS, AND DOCUMENTS SUPPORTING A REPORT SUBMITTED UNDER
17 SUBSECTION (20) FOR 3 YEARS UNLESS THE COMMISSION NOTIFIES THE
18 THIRD PARTY FACILITATOR SERVICE IN WRITING THAT THE BOOKS, RECORDS,
19 AND SUPPORTING DOCUMENTS MAY BE DESTROYED. WITHIN 30 DAYS AFTER THE
20 COMMISSION'S REQUEST, THE THIRD PARTY FACILITATOR SERVICE SHALL
21 MAKE THE BOOKS, RECORDS, AND DOCUMENTS AVAILABLE FOR INSPECTION
22 DURING NORMAL BUSINESS HOURS. WITHIN 30 DAYS AFTER A LOCAL LAW
23 ENFORCEMENT AGENCY'S OR LOCAL GOVERNMENTAL UNIT'S REQUEST, THE
24 THIRD PARTY FACILITATOR SERVICE SHALL ALSO MAKE THE BOOKS, RECORDS,
25 AND DOCUMENTS AVAILABLE FOR INSPECTION TO A LOCAL LAW ENFORCEMENT
26 AGENCY OR LOCAL GOVERNMENTAL UNIT WHERE THE THIRD PARTY FACILITATOR
27 SERVICE RESIDES OR DOES BUSINESS.

1 (22) A REPORT SUBMITTED UNDER SUBSECTION (18) OR (20) IS
2 SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA
3 442, MCL 15.231 TO 15.246.

4 (23) ~~(14)~~—As used in this section:

5 (A) "COMMON CARRIER" MEANS A COMPANY THAT TRANSPORTS GOODS, ON
6 REASONABLE REQUEST, ON REGULAR ROUTES AND AT SET RATES.

7 (B) ~~(a)~~—"Computer" means any connected, directly interoperable
8 or interactive device, equipment, or facility that uses a computer
9 program or other instructions to perform specific operations
10 including logical, arithmetic, or memory functions with or on
11 computer data or a computer program and that can store, retrieve,
12 alter, or communicate the results of the operations to a person,
13 computer program, computer, computer system, or computer network.

14 (C) ~~(b)~~—"Computer network" means the interconnection of
15 hardware or wireless communication lines with a computer through
16 remote terminals, or a complex consisting of 2 or more
17 interconnected computers.

18 (D) ~~(c)~~—"Computer program" means a series of internal or
19 external instructions communicated in a form acceptable to a
20 computer that directs the functioning of a computer, computer
21 system, or computer network in a manner designed to provide or
22 produce products or results from the computer, computer system, or
23 computer network.

24 (E) ~~(d)~~—"Computer system" means a set of related, connected or
25 unconnected, computer equipment, devices, software, or hardware.

26 (F) ~~(e)~~—"Consumer" means an individual who purchases **BEER**,
27 wine, **OR SPIRITS** for personal consumption and not for resale.

1 (G) ~~(f)~~—"Device" includes, but is not limited to, an
2 electronic, magnetic, electrochemical, biochemical, hydraulic,
3 optical, or organic object that performs input, output, or storage
4 functions by the manipulation of electronic, magnetic, or other
5 impulses.

6 (H) ~~(g)~~—"Diligent inquiry" means a diligent good faith effort
7 to determine the age of an individual, that includes at least an
8 examination of an official Michigan operator's or chauffeur's
9 license, an official Michigan personal identification card, or any
10 other bona fide picture identification that establishes the
11 identity and age of the individual.

12 (I) ~~(h)~~—"Direct shipper" means a person who sells, delivers,
13 or imports wine, to consumers in this state, that he or she
14 produces and bottles or wine that is manufactured by a wine maker
15 for another wine maker and that is transacted or caused to be
16 transacted through the use of any mail order, internet, telephone,
17 computer, device, or other electronic means, or sells directly to
18 consumers on the winery premises.

19 (J) ~~(i)~~—"Identification verification service" means ~~any~~ **AN**
20 internet-based service approved by the commission specializing in
21 age and identity verification.

22 (K) **"MOBILE APPLICATION" MEANS A SPECIALIZED SOFTWARE PROGRAM**
23 **DOWNLOADED ONTO A WIRELESS COMMUNICATION DEVICE.**

24 (L) ~~(j)~~—"Qualified micro brewer" means a micro brewer that
25 produces in total less than 1,000 barrels of beer per year. In
26 determining the 1,000-barrel threshold, all brands and labels of a
27 micro brewer, whether brewed in this state or outside this state,

1 ~~shall~~**MUST** be combined.

2 (M) "THIRD PARTY FACILITATOR SERVICE" MEANS A PERSON LICENSED
3 BY THE COMMISSION THAT FACILITATES THE SALE OF BEER, WINE, OR
4 SPIRITS TO A CONSUMER AS PROVIDED IN SUBSECTION (14) ON BEHALF OF A
5 RETAILER THAT HOLDS A SPECIALLY DESIGNATED MERCHANT OR SPECIALLY
6 DESIGNATED DISTRIBUTOR LICENSE, AS APPLICABLE, LOCATED IN THIS
7 STATE.