

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.

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

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

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

18 (k) Consent and submit to the jurisdiction of the commission,  
19 the department of treasury, and the courts of this state concerning  
20 enforcement of this section and any related laws, rules, and  
21 regulations.

22 (5) ~~(4) Notwithstanding subsection (3), in the case of~~ **FOR A**  
23 **DELIVERY OF WINE OCCURRING BY ANY MEANS DESCRIBED IN SUBSECTION**  
24 **(3), A PERSON TAKING THE ORDER ON BEHALF OF THE RETAILER SHALL**  
25 **COMPLY WITH SUBSECTION (3) (B) TO (F).** FOR a sale, delivery, or  
26 importation of alcoholic liquor occurring by any means described in  
27 subsection ~~(3),~~ **(4)**, a person taking the order on behalf of the

1 direct shipper shall comply with subsection ~~(3)(e) through~~ **(4)(C)**  
2 **TO** (g).

3 **(6)** ~~(5)~~—A person that delivers the wine for a direct shipper  
4 under this section shall verify that the individual accepting  
5 delivery is 21 years of age or older and is the individual who  
6 placed the order or the designated recipient, is an individual 21  
7 years of age or older currently occupying or present at the  
8 address, or is an individual otherwise authorized through a rule  
9 promulgated under this act by the commission to receive alcoholic  
10 liquor under this section. If the delivery person, after a diligent  
11 inquiry, determines that the purchaser or designated recipient is  
12 not 21 years **OF** age or older, the delivery person shall return the  
13 wine to the direct shipper. A delivery person who returns wine to  
14 the direct shipper because the purchaser or designated recipient is  
15 not 21 years of age or older is not liable for any damages suffered  
16 by the purchaser or direct shipper.

17 **(7)** ~~(6)~~—All spirits for sale, use, storage, or distribution in  
18 this state ~~,~~ shall originally be purchased by and imported into the  
19 state by the commission, or by prior written authority of the  
20 commission.

21 **(8)** ~~(7)~~—This section does not apply to alcoholic liquor  
22 brought into this state for personal or household use in an amount  
23 permitted by federal law by an individual 21 years of age or older  
24 at the time of reentry into this state from without the territorial  
25 limits of the United States if the individual has been outside the  
26 territorial limits of the United States for more than 48 hours and  
27 has not brought alcoholic liquor into the United States during the

1 preceding 30 days.

2 (9) ~~(8)~~—An individual 21 years of age or older may do either  
3 of the following in relation to alcoholic liquor that contains less  
4 than 21% alcohol by volume:

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

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

11 (10) ~~(9)~~—A direct shipper shall not sell, deliver, or import  
12 wine to a consumer unless it applies for and is granted a direct  
13 shipper license from the commission. This subsection does not  
14 prohibit wine tasting or the selling at retail by a wine maker of  
15 wines he or she produced and bottled or wine manufactured for that  
16 wine maker by another wine maker, if done in compliance with this  
17 act. Only the following persons qualify for the issuance of a  
18 direct shipper license:

19 (a) A wine maker.

20 (b) A wine producer and bottler located inside this country  
21 but outside of this state holding both a federal basic permit  
22 issued by the ~~alcohol and tobacco tax and trade bureau~~ **ALCOHOL AND**  
23 **TOBACCO TAX AND TRADE BUREAU OF THE UNITED STATES DEPARTMENT OF**  
24 **TREASURY** and a license to manufacture wine in its state of  
25 domicile.

26 (11) ~~(10)~~—An applicant for a direct shipper license shall  
27 submit an application to the commission in a written or electronic

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

19 (12) ~~(11)~~ Except as otherwise provided under subsection ~~(12)~~,  
 20 (13) OR (14), a retailer that holds a specially designated merchant  
 21 license, ~~in this state; an out-of-state retailer that holds its~~  
 22 ~~state's substantial equivalent license; or a brewpub, A micro~~  
 23 brewer, or an out-of-state entity that is the substantial  
 24 equivalent of a brewpub or micro brewer may deliver beer and wine  
 25 to the home or other designated location of a consumer in this  
 26 state if all of the following conditions are met:

27 (a) The beer or wine, or both, is delivered by the retailer's,



1 brewpub's, or micro brewer's employee. ~~and not by an agent or by a~~  
 2 ~~third party delivery service.~~

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

6 (c) If the retailer, brewpub, or micro brewer or its employee  
 7 intends to provide service to consumers, the retailer, brewpub, or  
 8 micro brewer or its employee providing the service has received  
 9 alcohol server training through a server training program approved  
 10 by the commission.

11 (13) ~~(12)~~ A retailer that holds a specially designated  
 12 merchant license ~~in this state or an out of state retailer that~~  
 13 ~~holds its state's substantial equivalent license may utilize~~ USE a  
 14 third party that provides delivery service to municipalities in  
 15 this state that are surrounded by water and inaccessible by motor  
 16 vehicle to deliver beer and wine to the home or other designated  
 17 location of that consumer if the delivery service is approved by  
 18 the commission and agrees to verify that the individual accepting  
 19 delivery of the beer and wine is at least 21 years of age.

20 (14) A RETAILER THAT HOLDS A SPECIALLY DESIGNATED MERCHANT  
 21 LICENSE LOCATED IN THIS STATE MAY USE A THIRD PARTY FACILITATOR  
 22 SERVICE BY MEANS OF THE INTERNET OR MOBILE APPLICATION TO  
 23 FACILITATE THE SALE OF BEER OR WINE TO BE DELIVERED TO THE HOME OR  
 24 DESIGNATED LOCATION OF A CONSUMER AS PROVIDED IN SUBSECTION (12),  
 25 AND A THIRD PARTY FACILITATOR SERVICE MAY DELIVER BEER OR WINE TO A  
 26 CONSUMER ON BEHALF OF A RETAILER THAT HOLDS A SPECIALLY DESIGNATED  
 27 MERCHANT LICENSE LOCATED IN THIS STATE, IF ALL OF THE FOLLOWING

1 CONDITIONS ARE MET:

2 (A) THE THIRD PARTY FACILITATOR SERVICE VERIFIES THAT THE  
3 INDIVIDUAL ACCEPTING DELIVERY OF THE BEER OR WINE IS AT LEAST 21  
4 YEARS OF AGE.

5 (B) A MANUFACTURER, WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF  
6 BEER, OR OUTSTATE SELLER OF WINE DOES NOT HAVE A DIRECT OR INDIRECT  
7 INTEREST IN THE THIRD PARTY FACILITATOR SERVICE.

8 (C) A MANUFACTURER, WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF  
9 BEER, OR OUTSTATE SELLER OF WINE DOES NOT AID OR ASSIST A THIRD  
10 PARTY FACILITATOR SERVICE BY GIFT, LOAN OF MONEY, PROPERTY, OR ANY  
11 DESCRIPTION, OR OTHER VALUABLE THING AS DEFINED IN SECTION 609, AND  
12 A THIRD PARTY FACILITATOR SERVICE DOES NOT ACCEPT THE SAME.

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

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

17 (15) A THIRD PARTY FACILITATOR SERVICE SHALL NOT DELIVER BEER  
18 OR WINE TO A CONSUMER AS PROVIDED IN SUBSECTION (14) UNLESS IT  
19 APPLIES FOR AND IS GRANTED A THIRD PARTY FACILITATOR SERVICE  
20 LICENSE BY THE COMMISSION. THE COMMISSION MAY CHARGE A REASONABLE  
21 APPLICATION FEE, INITIAL LICENSE FEE, AND ANNUAL LICENSE RENEWAL  
22 FEE. THE COMMISSION SHALL ESTABLISH A FEE UNDER THIS SUBSECTION BY  
23 WRITTEN ORDER.

24 (16) IF A THIRD PARTY FACILITATOR SERVICE USED BY A RETAILER  
25 THAT HOLDS A SPECIALLY DESIGNATED MERCHANT LICENSE UNDER SUBSECTION  
26 (14) VIOLATES THIS SECTION, THE COMMISSION SHALL NOT TREAT THE  
27 THIRD PARTY FACILITATOR SERVICE'S VIOLATION AS A VIOLATION BY THE

1 **RETAILER.**

2 (17) ~~(13)~~ For purposes of subsection (1), a qualified micro  
3 brewer or an out-of-state entity that is the substantial equivalent  
4 of a qualified micro brewer may sell and deliver beer to a retailer  
5 in this state if all of the following conditions are met:

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

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

14 (c) The qualified micro brewer is in compliance with  
15 applicable state and federal law and applicable regulatory  
16 provisions of this act and rules adopted by the commission under  
17 this act including, but not limited to, those requirements related  
18 to each of the following:

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

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

21 (iii) Price schedules and temporary price reductions.

22 **(18) A COMMON CARRIER THAT CARRIES OR TRANSPORTS ALCOHOLIC**  
23 **LIQUOR INTO THIS STATE TO A PERSON IN THIS STATE SHALL SUBMIT**  
24 **QUARTERLY REPORTS TO THE COMMISSION. A REPORT REQUIRED UNDER THIS**  
25 **SUBSECTION MUST INCLUDE ALL OF THE FOLLOWING ABOUT EACH DELIVERY TO**  
26 **A CONSUMER IN THIS STATE DURING THE PRECEDING CALENDAR QUARTER:**

27 **(A) THE NAME AND BUSINESS ADDRESS OF THE PERSON THAT SHIPS**

1 ALCOHOLIC LIQUOR.

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

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

4 (D) THE DATE OF THE DELIVERY.

5 (19) A COMMON CARRIER DESCRIBED IN SUBSECTION (18) SHALL  
6 MAINTAIN THE BOOKS, RECORDS, AND DOCUMENTS SUPPORTING A REPORT  
7 SUBMITTED UNDER SUBSECTION (18) FOR 3 YEARS UNLESS THE COMMISSION  
8 NOTIFIES THE COMMON CARRIER IN WRITING THAT THE BOOKS, RECORDS, AND  
9 SUPPORTING DOCUMENTS MAY BE DESTROYED. WITHIN 30 DAYS AFTER THE  
10 COMMISSION'S REQUEST, THE COMMON CARRIER SHALL MAKE THE BOOKS,  
11 RECORDS, AND DOCUMENTS AVAILABLE FOR INSPECTION DURING NORMAL  
12 BUSINESS HOURS. WITHIN 30 DAYS AFTER A LOCAL LAW ENFORCEMENT  
13 AGENCY'S OR LOCAL GOVERNMENTAL UNIT'S REQUEST, THE COMMON CARRIER  
14 SHALL ALSO MAKE THE BOOKS, RECORDS, AND DOCUMENTS AVAILABLE FOR  
15 INSPECTION TO A LOCAL LAW ENFORCEMENT AGENCY OR LOCAL GOVERNMENTAL  
16 UNIT WHERE THE CARRIER RESIDES OR DOES BUSINESS.

17 (20) A THIRD PARTY FACILITATOR SERVICE THAT DELIVERS BEER OR  
18 WINE TO A CONSUMER UNDER SUBSECTION (14) SHALL SUBMIT QUARTERLY  
19 REPORTS TO THE COMMISSION. A REPORT REQUIRED UNDER THIS SUBSECTION  
20 MUST INCLUDE ALL OF THE FOLLOWING ABOUT EACH DELIVERY TO A CONSUMER  
21 IN THIS STATE DURING THE PRECEDING CALENDAR QUARTER:

22 (A) THE NAME AND BUSINESS ADDRESS OF THE PERSON THAT SHIPS  
23 BEER OR WINE.

24 (B) THE NAME AND ADDRESS OF THE RECIPIENT OF BEER OR WINE.

25 (C) THE WEIGHT OF BEER OR WINE DELIVERED TO A CONSIGNEE.

26 (D) THE DATE OF THE DELIVERY.

27 (21) A THIRD PARTY FACILITATOR SERVICE SHALL MAINTAIN THE

1 BOOKS, RECORDS, AND DOCUMENTS SUPPORTING A REPORT SUBMITTED UNDER  
2 SUBSECTION (20) FOR 3 YEARS UNLESS THE COMMISSION NOTIFIES THE  
3 THIRD PARTY FACILITATOR SERVICE IN WRITING THAT THE BOOKS, RECORDS,  
4 AND SUPPORTING DOCUMENTS MAY BE DESTROYED. WITHIN 30 DAYS AFTER THE  
5 COMMISSION'S REQUEST, THE THIRD PARTY FACILITATOR SERVICE SHALL  
6 MAKE THE BOOKS, RECORDS, AND DOCUMENTS AVAILABLE FOR INSPECTION  
7 DURING NORMAL BUSINESS HOURS. WITHIN 30 DAYS AFTER A LOCAL LAW  
8 ENFORCEMENT AGENCY'S OR LOCAL GOVERNMENTAL UNIT'S REQUEST, THE  
9 THIRD PARTY FACILITATOR SERVICE SHALL ALSO MAKE THE BOOKS, RECORDS,  
10 AND DOCUMENTS AVAILABLE FOR INSPECTION TO A LOCAL LAW ENFORCEMENT  
11 AGENCY OR LOCAL GOVERNMENTAL UNIT WHERE THE THIRD PARTY FACILITATOR  
12 SERVICE RESIDES OR DOES BUSINESS.

13 (22) A REPORT SUBMITTED UNDER SUBSECTION (18) OR (20) IS  
14 SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA  
15 442, MCL 15.231 TO 15.246.

16 (23) ~~(14)~~As used in this section:

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

19 (B) ~~(a)~~"Computer" means any connected, directly interoperable  
20 or interactive device, equipment, or facility that uses a computer  
21 program or other instructions to perform specific operations  
22 including logical, arithmetic, or memory functions with or on  
23 computer data or a computer program and that can store, retrieve,  
24 alter, or communicate the results of the operations to a person,  
25 computer program, computer, computer system, or computer network.

26 (C) ~~(b)~~"Computer network" means the interconnection of  
27 hardware or wireless communication lines with a computer through

1 remote terminals, or a complex consisting of 2 or more  
2 interconnected computers.

3 (D) ~~(e)~~—"Computer program" means a series of internal or  
4 external instructions communicated in a form acceptable to a  
5 computer that directs the functioning of a computer, computer  
6 system, or computer network in a manner designed to provide or  
7 produce products or results from the computer, computer system, or  
8 computer network.

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

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

13 (G) ~~(f)~~—"Device" includes, but is not limited to, an  
14 electronic, magnetic, electrochemical, biochemical, hydraulic,  
15 optical, or organic object that performs input, output, or storage  
16 functions by the manipulation of electronic, magnetic, or other  
17 impulses.

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

24 (I) ~~(h)~~—"Direct shipper" means a person who sells, delivers,  
25 or imports wine, to consumers in this state, that he or she  
26 produces and bottles or wine that is manufactured by a wine maker  
27 for another wine maker and that is transacted or caused to be

1 transacted through the use of any mail order, internet, telephone,  
2 computer, device, or other electronic means, or sells directly to  
3 consumers on the winery premises.

4 (J) ~~(i)~~-"Identification verification service" means ~~any~~**AN**  
5 internet-based service approved by the commission specializing in  
6 age and identity verification.

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

9 (I) ~~(j)~~-"Qualified micro brewer" means a micro brewer that  
10 produces in total less than 1,000 barrels of beer per year. In  
11 determining the 1,000-barrel threshold, all brands and labels of a  
12 micro brewer, whether brewed in this state or outside this state,  
13 ~~shall~~**MUST** be combined.

14 (M) **"THIRD PARTY FACILITATOR SERVICE" MEANS A PERSON LICENSED**  
15 **BY THE COMMISSION THAT FACILITATES THE SALE OF BEER OR WINE TO A**  
16 **CONSUMER AS PROVIDED IN SUBSECTION (14) ON BEHALF OF A RETAILER**  
17 **THAT HOLDS A SPECIALLY DESIGNATED MERCHANT LICENSE LOCATED IN THIS**  
18 **STATE.**