

HOUSE BILL No. 5883

September 15, 2016, Introduced by Reps. Darany, Kosowski, Santana and Yanez 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 547 (MCL 436.1547), as added by 2011 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 547. (1) As used in this section:

2 (a) "Private event" means an event where no consideration, as
3 defined in section 913, is paid by the guests.

4 (b) "Catering permit" means a permit issued by the commission
5 to a specially designated distributor, specially designated
6 merchant, or holder of a public on-premises license for the sale of
7 beer, wine, or spirits, or any combination thereof, **OF BEER, WINE,**
8 **OR SPIRITS**, that is also licensed as a food service establishment
9 or retail food establishment under the food law, ~~of 2000,~~ 2000 PA

1 92, MCL 289.1101 to 289.8111, which permit authorizes the permit
2 holder to sell and deliver beer, wine, and spirits in the original
3 sealed container to a person for off-premises consumption but only
4 if the sale is not by the glass or drink and the permit holder
5 serves the beer, wine, or spirits. The permit does not allow the
6 permit holder to deliver, but not serve, the beer, wine, or
7 spirits.

8 (2) ~~Spirits sold by a~~ **A** specially designated distributor,
9 specially designated merchant, or on-premises licensee under a
10 catering permit shall not ~~be sold~~ **SELL SPIRITS** at less than the
11 minimum retail selling price fixed by the commission, including
12 under rules promulgated by the commission for specially designated
13 distributors under section 229.

14 (3) The commission may issue a catering permit to a specially
15 designated distributor, specially designated merchant, or public
16 on-premises licensee, as a supplement to that license, to allow the
17 sale and delivery of beer, wine, or spirits in the original sealed
18 container at locations other than the licensed premises and to
19 require the catering permit holder to serve beer, wine, or spirits
20 at ~~the~~ **A** private event where the alcoholic liquor is not resold to
21 guests. **THE COMMISSION MAY ISSUE A CATERING PERMIT WITHOUT THE**
22 **APPROVAL OF THE LOCAL LEGISLATIVE BODY IN WHICH A PRIVATE EVENT IS**
23 **TO BE CONDUCTED.** The commission shall not issue a catering permit
24 to an applicant who delivers beer, wine, or spirits but does not
25 serve the beer, wine, or spirits.

26 (4) This section does not limit the number of catering permits
27 the commission may issue within any local unit of government.

1 (5) This section does not prevent a catering permit holder
2 from using the catering permit at multiple locations and events
3 during the same time period. **THE COMMISSION SHALL NOT REQUIRE THE**
4 **HOLDER OF A CATERING PERMIT TO PAY ADDITIONAL FEES UNDER SUBSECTION**
5 **(7) IF THE HOLDER OF THE CATERING PERMIT USES THE CATERING PERMIT**
6 **AT MULTIPLE LOCATIONS AND EVENTS.**

7 (6) This section does not prohibit a catering permit holder
8 from selling beer, wine, or spirits to a person who has obtained a
9 special license if that catering permit holder serves the beer,
10 wine, or spirits and complies with all catering permit rules
11 promulgated by the commission.

12 (7) An applicant for a catering permit shall apply on a form
13 approved and provided by the commission and pay an application and
14 processing fee of \$70.00 and a catering permit fee of \$100.00 on
15 the issuance of the catering permit. The applicant shall also pay
16 the catering permit fee on renewal of the specially designated
17 distributor, specially designated merchant, or on-premises
18 licensee.

19 (8) The person delivering the beer, wine, or spirits under a
20 catering permit shall verify that the individual accepting delivery
21 is at least 21 years of age. The catering permit holder may ~~utilize~~
22 **USE** a third party that provides delivery service to municipalities
23 in this state that are surrounded by water and inaccessible by
24 motor vehicle to deliver beer, wine, or spirits to the designated
25 location of ~~the~~ **A** private event if the delivery service is approved
26 by the commission and agrees to verify that the individual
27 accepting delivery of the beer, wine, or spirits is at least 21

1 years of age.

2 (9) A catering permit holder providing the service, or an
3 employee of the catering permit holder, ~~shall~~**MUST** successfully
4 complete a server training program approved by the commission
5 before providing the service.

6 (10) A catering permit holder delivering the beer, wine, or
7 spirits, or an employee of the catering permit holder, shall have
8 in his or her possession while delivering the beer, wine, or
9 spirits documentation demonstrating that the beer, wine, or spirits
10 being delivered are for a private event being conducted under this
11 section.

12 (11) A catering permit holder who prepares food or drink for
13 direct consumption through service on the premises or elsewhere
14 shall comply with the requirements for food service establishments
15 under the food law, ~~of 2000,~~ 2000 PA 92, MCL 289.1101 to 289.8111.

16 (12) A catering permit holder is subject to all sanctions,
17 liabilities, and penalties provided under this act or under law.