

HOUSE BILL NO. 5093

June 23, 2021, Introduced by Reps. Outman, Clements, Damoose, Hall, Garza, Hoitenga, Eisen, Bellino, Carra, Tate, Witwer, Brenda Carter, Filler, Jones and Yancey and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 552.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 552. (1) Notwithstanding R 436.1419 of the Michigan
2 Administrative Code, the commission shall issue an outdoor service
3 area permit to an on-premises licensee allowing the on-premises
4 licensee to have outdoor service in an outdoor service area if the
5 following conditions are met:

1 (a) The on-premises licensee submits an application in a
2 manner acceptable to the commission accompanied with a permit fee
3 of \$250.00.

4 (b) The on-premises licensee provides documentation, in a
5 manner prescribed by the commission, that the local police agency
6 where the proposed outdoor service area is located has approved the
7 proposed outdoor service area.

8 (c) The proposed outdoor service area is adjacent to the
9 licensee's licensed premises and extends not more than 25 feet past
10 the licensed premises.

11 (d) The on-premises licensee owns the proposed outdoor service
12 area or, if the on-premises licensee does not own the proposed
13 outdoor service area, the on-premises licensee obtains written
14 approval of the owner of the proposed outdoor service area.

15 (2) The holder of an outdoor service area permit issued under
16 subsection (1) must comply with both of the following:

17 (a) The permit holder shall ensure that the outdoor service
18 area is well-defined and clearly marked.

19 (b) The permit holder does not sell or allow the consumption
20 of alcoholic liquor outdoors, except in the well-defined area
21 described in subdivision (a).

22 (3) An outdoor service area permit must be issued for the same
23 period and may be renewed in the same manner as the license held by
24 the applicant.

25 (4) If a holder of an outdoor service area permit issued under
26 subsection (2) does not own the outdoor service area, the permit
27 holder is liable for damages under an action under section 801.

28 Enacting section 1. This amendatory act does not take effect
29 unless Senate Bill No. ____ or House Bill No. 5090 (request no.

1 01949'21) of the 101st Legislature is enacted into law.