

**SUBSTITUTE FOR
HOUSE BILL NO. 5768**

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 204. (1) EXCEPT FOR AN INDIVIDUAL WHO BRINGS, TRANSPORTS,**
2 **SHIPS, OR IMPORTS ALCOHOLIC LIQUOR INTO THIS STATE UNDER SECTION**
3 **203(8) OR (9), AS APPLICABLE, FOR A RETAILER, OR FOR SACRAMENTAL**
4 **WINES IMPORTED UNDER SECTION 301, A PERSON SHALL NOT SELL, DELIVER,**
5 **OR IMPORT BEER, WINE, OR MIXED SPIRIT DRINK IN THIS STATE UNLESS**
6 **THE PERSON IS 1 OF THE FOLLOWING:**

7 **(A) A SUPPLIER AS THAT TERM IS DEFINED IN SECTION 603.**
8 **(B) A LICENSED DIRECT SHIPPER DESCRIBED IN SECTION 203(10).**
9 **(C) A WHOLESALER.**

10 **(2) EXCEPT FOR AN INDIVIDUAL WHO BRINGS, TRANSPORTS, SHIPS, OR**

1 IMPORTS ALCOHOLIC LIQUOR INTO THIS STATE UNDER SECTION 203(8) OR
2 (9), AS APPLICABLE, FOR A RETAILER, OR FOR SACRAMENTAL WINES
3 IMPORTED UNDER SECTION 301, A PERSON DESCRIBED IN SUBSECTION (1)
4 MAY ONLY SELL, DELIVER, OR IMPORT BEER, WINE, OR MIXED SPIRIT DRINK
5 IN THIS STATE IN 1 OF THE FOLLOWING WAYS:

6 (A) A LICENSED DIRECT SHIPPER MAY SELL TO A CONSUMER UNDER
7 SECTION 203.

8 (B) AN OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF WINE, OR
9 OUTSTATE SELLER OF MIXED SPIRIT DRINK, MAY DELIVER THE BEER, WINE,
10 OR MIXED SPIRIT DRINK TO THE LICENSED PREMISES OF THE WHOLESALERS
11 DESIGNATED TO SELL AND DELIVER THE BEER, WINE, OR MIXED SPIRIT
12 DRINK TO THE INDIVIDUAL LICENSED LOCATION OF THE RETAILER IN THE
13 WHOLESALER'S SALES TERRITORY UNDER SECTION 305 OR 403, AS
14 APPLICABLE.

15 (C) A WHOLESALER THAT PICKS UP THE BEER, WINE, OR MIXED SPIRIT
16 DRINK FROM THE PREMISES OF AN OUTSTATE SELLER OF BEER, OUTSTATE
17 SELLER OF WINE, OR OUTSTATE SELLER OF MIXED SPIRIT DRINK, MAY
18 DELIVER THE BEER, WINE, OR MIXED SPIRIT DRINK TO THE LICENSED
19 PREMISES OF THE WHOLESALER DESIGNATED TO SELL AND DELIVER THE BEER,
20 WINE, OR MIXED SPIRIT DRINK TO THE INDIVIDUAL LICENSED LOCATION OF
21 THE RETAILER IN THE WHOLESALER'S SALES TERRITORY UNDER SECTION 305
22 OR 403, AS APPLICABLE.

23 (D) AN OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF WINE, OR
24 OUTSTATE SELLER OF MIXED SPIRIT DRINK MAY DELIVER THE BEER, WINE,
25 OR MIXED SPIRIT DRINK TO ITS LICENSED PREMISES IN THIS STATE.
26 HOWEVER, THE BEER, WINE, OR MIXED SPIRIT DRINK MUST BE DELIVERED TO
27 THE LICENSED PREMISES OF THE WHOLESALER DESIGNATED TO SELL AND

1 DELIVER THE BEER, WINE, OR MIXED SPIRIT DRINK TO THE INDIVIDUAL
2 LICENSED LOCATION OF THE RETAILER IN THE WHOLESALER'S SALES
3 TERRITORY UNDER SECTION 305 OR 403, AS APPLICABLE.

4 (E) A BREWER, WINE MAKER, OR MIXED SPIRIT DRINK MANUFACTURER
5 THAT HAS A MANUFACTURING PLANT LOCATED OUTSIDE OF THIS STATE MAY
6 DELIVER THE BEER, WINE, OR MIXED SPIRIT DRINK MANUFACTURED IN THE
7 MANUFACTURING PLANT TO ITS LICENSED PREMISES IN THIS STATE.
8 HOWEVER, THE BEER, WINE, OR MIXED SPIRIT DRINK MUST BE DELIVERED TO
9 THE LICENSED PREMISES OF THE WHOLESALER DESIGNATED TO SELL AND
10 DELIVER THE BEER, WINE, OR MIXED SPIRIT DRINK TO THE INDIVIDUAL
11 LICENSED LOCATION OF THE RETAILER IN THE WHOLESALER'S SALES
12 TERRITORY UNDER SECTION 305 OR 403, AS APPLICABLE.

13 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A BREWER, WINE
14 MAKER, OR MIXED SPIRIT DRINK MANUFACTURER MAY DELIVER THE BEER,
15 WINE, OR MIXED SPIRIT DRINK TO THE LICENSED PREMISES OF THE
16 WHOLESALER DESIGNATED TO SELL AND DELIVER THE BEER, WINE, OR MIXED
17 SPIRIT DRINK TO THE INDIVIDUAL LICENSED LOCATION OF THE RETAILER IN
18 THE WHOLESALER'S SALES TERRITORY UNDER SECTION 305 OR 403, AS
19 APPLICABLE.

20 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), BOTH OF
21 THE FOLLOWING APPLY TO BEER, WINE, OR MIXED SPIRIT DRINK THAT IS
22 DELIVERED TO A WHOLESALER UNDER THIS ACT:

23 (A) THE WHOLESALER SHALL MAINTAIN THE BEER, WINE, OR MIXED
24 SPIRIT DRINK ON THE WHOLESALER'S LICENSED PREMISES.

25 (B) THE WHOLESALER SHALL MAKE THE BEER, WINE, OR MIXED SPIRIT
26 DRINK MAINTAINED ON THE WHOLESALER'S LICENSED PREMISES AS REQUIRED
27 UNDER SUBDIVISION (A) AVAILABLE FOR INSPECTION BY THE COMMISSION

1 FOR AT LEAST 24 HOURS BEFORE THE WHOLESALER DELIVERS THE BEER,
2 WINE, OR MIXED SPIRIT DRINK TO A RETAILER.

3 (4) FOR BEER, WINE, OR MIXED SPIRIT DRINK THAT HAS BEEN
4 DELIVERED TO A WHOLESALER UNDER THIS ACT, SUBSECTION (3) DOES NOT
5 APPLY AND THE WHOLESALER MAY DELIVER BEER, WINE, OR MIXED SPIRIT
6 DRINK TO A RETAILER IF ALL OF THE FOLLOWING APPLY:

7 (A) EITHER OF THE FOLLOWING APPLIES:

8 (i) THE WHOLESALER CANNOT FULFILL THE RETAILER'S ORDER FOR THE
9 BEER, WINE, OR MIXED SPIRIT DRINK FROM THE INVENTORY CURRENTLY
10 AVAILABLE ON THE WHOLESALER'S LICENSED PREMISES.

11 (ii) THE WHOLESALER INTENDS TO DELIVER THE BEER, WINE, OR
12 MIXED SPIRIT DRINK TO A SPECIAL LICENSEE, INCLUDING AS PROVIDED
13 UNDER SECTION 526, BEFORE THE 24-HOUR PERIOD UNDER SUBSECTION
14 (3) (B) HAS EXPIRED.

15 (B) EITHER OF THE FOLLOWING APPLIES:

16 (i) THE BEER, WINE, OR MIXED SPIRIT DRINK HAS BEEN DELIVERED
17 TO THE ADDRESS OF THE WHOLESALER'S LICENSED PREMISES.

18 (ii) THE WHOLESALER PICKED UP THE BEER, WINE, OR MIXED SPIRIT
19 DRINK FROM THE LICENSED PREMISES OF ANY OF THE FOLLOWING:

20 (A) A BREWER.

21 (B) A WINE MAKER.

22 (C) A MIXED SPIRIT MANUFACTURER.

23 (D) AN OUTSTATE SELLER OF BEER.

24 (E) AN OUTSTATE SELLER OF WINE.

25 (F) AN OUTSTATE SELLER OF MIXED SPIRIT DRINK.

26 (G) A WHOLESALER.

27 (C) THE WHOLESALER MAINTAINS THE INVOICE OF THE DELIVERY AND

1 ATTACHES DOCUMENTATION TO THE INVOICE THAT DETAILS EACH PRODUCT AND
2 THE AMOUNT OF EACH PRODUCT THAT WAS NOT PLACED ON THE WHOLESALER'S
3 FLOOR.

4 (5) THIS SECTION DOES NOT PROHIBIT A BREWER, MICRO BREWER,
5 WINE MAKER, SMALL WINE MAKER, OR RETAILER FROM SELLING ALCOHOLIC
6 LIQUOR OR NONALCOHOLIC BEVERAGES AS PROVIDED IN THIS ACT.