

SENATE BILL No. 1513

September 18, 2008, Introduced by Senator THOMAS and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 1025 (MCL 436.2025), as amended by 2008 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1025. (1) A vendor shall not give away any alcoholic
2 liquor of any kind or description at any time in connection with
3 his or her business, except manufacturers for consumption on the
4 premises only.

5 (2) Subsection (1) does not prevent any of the following:

6 (a) A vendor of spirits, brewer, mixed spirit drink
7 manufacturer, wine maker, small wine maker, outstate seller of
8 beer, outstate seller of wine, or outstate seller of mixed spirit
9 drink, or a bona fide market research organization retained by 1 of
10 the persons named in this subsection, from conducting samplings or

1 tastings of an alcoholic liquor product before it is approved for
2 sale in this state, if the sampling or tasting is conducted
3 pursuant to prior written approval of the commission.

4 (b) A person from conducting of any sampling or tasting
5 authorized by rule of the commission.

6 (c) A class A or B hotel designed to attract and accommodate
7 tourists and visitors in a resort area from giving away alcoholic
8 liquor to an invitee or guest in connection with a business event
9 or as a part of a room special or promotion for overnight
10 accommodations.

11 **(D) A CLASS B HOTEL LICENSEE OR A CLASS C LICENSEE OPERATING**
12 **IN A CASINO LICENSED UNDER THE MICHIGAN GAMING CONTROL AND REVENUE**
13 **ACT, 1996 IL 1, MCL 432.201 TO 432.226, SUBJECT TO ANY LIMITATIONS**
14 **IMPOSED BY RULE OF THE COMMISSION.**

15 (3) A vendor shall not sell an alcoholic liquor to a person in
16 an intoxicated condition.

17 (4) Evidence of any breathalyzer or blood alcohol test results
18 obtained in a licensed establishment, or on property adjacent to
19 the licensed premises and under the control or ownership of the
20 licensee, shall not be admissible to prove a violation of this
21 section, section 707(1), (2), (3), or (4), or section 801(2). To
22 establish a violation of this section, section 707(1), (2), (3), or
23 (4), or section 801(2), the person's intoxicated condition at the
24 time of the sale or consumption of alcohol must be proven by direct
25 observation by law enforcement or commission enforcement personnel
26 or through other admissible witness statements or corroborating
27 evidence obtained as part of the standard investigation other than

1 breathalyzer or blood alcohol test results.