

HOUSE BILL No. 5613

December 1, 2009, Introduced by Reps. Geiss and Kennedy 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 1027 (MCL 436.2027), as amended by 2008 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1027. (1) Unless otherwise provided by rule of the
2 commission, a person shall not conduct samplings or tastings of any
3 alcoholic liquor for a commercial purpose except at premises that
4 are licensed by the commission for the sale and consumption of
5 alcoholic liquor on the premises.

6 (2) This section does not ~~prevent either~~ **PROHIBIT ANY** of the
7 following:

8 (a) A vendor of spirits, brewer, wine maker, mixed spirit
9 drink manufacturer, small wine maker, outstate seller of beer,

1 outstate seller of wine, or outstate seller of mixed spirit drink,
2 or a bona fide market research organization retained by 1 of the
3 persons named in this ~~subsection~~**SUBDIVISION**, from conducting
4 samplings or tastings of an alcoholic liquor product before it is
5 approved for sale in this state if the sampling or tasting is
6 conducted pursuant to prior written approval of the commission.

7 (b) An on-premises licensee from giving a sampling or tasting
8 of alcoholic liquor to an employee of the licensee during the legal
9 hours for consumption for the purpose of educating the employee
10 regarding 1 or more types of alcoholic liquor so long as the
11 employee is at least 21 years of age.

12 (c) A small distiller licensee from giving a sampling or
13 tasting of brands it manufactures on the licensed premises.

14 **(D) A MICRO BREWER OR BREW PUB FROM ALLOWING THE SAMPLING AND**
15 **CONSUMPTION ON THE LICENSED PREMISE OF BEER PRODUCED BY 1 OR MORE**
16 **HOME BREWERS AT A MEETING OF HOME BREWERS, OR A CLUB COMPOSED**
17 **PRIMARILY OF HOME BREWERS, UNDER THE FOLLOWING CIRCUMSTANCES:**

18 **(i) THE SAMPLING OR CONSUMPTION IS FOR THE PURPOSE OF**
19 **EXHIBITIONS OR COMPETITIONS INVOLVING HOME BREWERS.**

20 **(ii) THE BEER IS SERVED IN PORTIONS NOT TO EXCEED 6 OUNCES.**

21 **(iii) NO SALE OF BEER IS MADE TO MEMBERS OF THE GENERAL PUBLIC.**

22 **(iv) THE PARTICIPANTS OTHERWISE COMPLY WITH APPLICABLE STATE**
23 **AND FEDERAL LAW AND APPLICABLE REGULATORY PROVISIONS OF THIS ACT**
24 **AND RULES ADOPTED BY THE COMMISSION UNDER THIS ACT.**

25 (3) A sampling or tasting of any alcoholic liquor in a home or
26 domicile for other than a commercial purpose is not subject to this
27 section.

1 (4) ~~For purposes of~~ **AS USED IN** this section: ~~,"commercial~~

2 **(A) "COMMERCIAL** purpose" means a purpose for which monetary
3 gain or other remuneration could reasonably be expected.

4 **(B) "HOME BREWER" MEANS A PERSON MANUFACTURING BEER AT HIS OR**
5 **HER HOME OR FARM, IF THE BEER IS TO BE CONSUMED, FREE OF**
6 **CONSIDERATION TO THOSE PERSONS CONSUMING THE BEER, IN THE MANNER**
7 **PROVIDED FOR IN SUBSECTION (2) (D), BY THAT PERSON, OR BY THAT**
8 **PERSON'S FAMILY AND GUESTS.**