

**SUBSTITUTE FOR
HOUSE BILL NO. 5046**

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 1021 (MCL 436.2021), as amended by 2005 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1021. (1) The commission shall not require a licensee to
2 sell or serve food to a purchaser of alcoholic liquor. The
3 commission shall not require a class A hotel or class B hotel to
4 provide food services to registered guests or to the public.

5 (2) Except as otherwise provided in subsection (3), a
6 purchaser shall not remove alcoholic liquor sold by a vendor for
7 consumption on the premises from those premises.

8 (3) A vendor licensed to sell wine on the premises may allow
9 an individual who has purchased a meal and who has purchased and
10 partially consumed a bottle of wine with the meal, to remove the

1 partially consumed bottle from the premises upon departure. This
2 subsection does not allow the removal of any additional unopened
3 bottles of wine unless the vendor is licensed as a specially
4 designated merchant. The licensee or the licensee's clerk, agent,
5 or employee shall **CAP THE BOTTLE OR** reinsert a cork so that the top
6 of the cork is level with the lip of the bottle. The transportation
7 or possession of the partially consumed bottle of wine shall be in
8 compliance with section 624a of the Michigan vehicle code, 1949 PA
9 300, MCL 257.624a.

10 (4) This act and rules promulgated under this act do not
11 prevent a class A or B hotel designed to attract and accommodate
12 tourists and visitors in a resort area from allowing its invitees
13 or guests to possess or consume, or both, on or about its premises
14 ~~—~~alcoholic liquor purchased by the invitee or guest from an off-
15 premises retailer ~~—~~and does not prevent a guest or invitee from
16 entering and exiting the licensed premises with alcoholic liquor
17 purchased from an off-premises retailer.

18 (5) **NOTWITHSTANDING SECTION 901(6), AN ON-PREMISES LICENSEE**
19 **MAY, IN A MANNER AS DETERMINED BY THAT LICENSEE, ALLOW FOR THE**
20 **CONSUMPTION OF WINE THAT IS PRODUCED BY A WINE MAKER, A SMALL WINE**
21 **MAKER, OR AN OUT-OF-STATE ENTITY THAT IS THE SUBSTANTIAL EQUIVALENT**
22 **OF A WINE MAKER OR SMALL WINE MAKER AND THAT IS BROUGHT INTO THE**
23 **LICENSED PREMISES IN ITS ORIGINAL SEALED CONTAINER BY A CONSUMER**
24 **WHO IS NOT PROHIBITED UNDER THIS ACT FROM POSSESSING WINE. THE**
25 **LICENSEE SHALL NOT ALLOW THE CONSUMER TO REMOVE A PARTIALLY**
26 **CONSUMED BOTTLE OF WINE BROUGHT BY THE CONSUMER UNLESS THE LICENSEE**
27 **OR THE LICENSEE'S CLERK, AGENT, OR EMPLOYEE CAPS THE BOTTLE OR**

1 REINSERTS THE CORK SO THAT THE TOP OF THE CORK IS LEVEL WITH THE
2 LIP OF THE BOTTLE. THE LICENSEE MAY CHARGE A CORKAGE FEE FOR EACH
3 BOTTLE OF WINE BROUGHT BY THE CONSUMER AND OPENED ON THE PREMISES
4 BY THE LICENSEE OR THE LICENSEE'S CLERK, AGENT, OR EMPLOYEE. THIS
5 SUBSECTION DOES NOT EXEMPT THE LICENSEE OR THE CONSUMER FROM ANY
6 OTHER APPLICABLE REQUIREMENTS, RESPONSIBILITIES, OR SANCTIONS
7 IMPOSED UNDER THIS ACT.