

SUBSTITUTE FOR

SENATE BILL NO. 79

(As amended June 6, 2013)

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 415.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 415. (1) SUBJECT TO THE LIMITATIONS PROVIDED UNDER THIS
2 SECTION, THE COMMISSION MAY ISSUE A FARMER'S MARKET PERMIT TO A
3 QUALIFIED SMALL WINE MAKER. [REGARDLESS OF THE LOCATION OF THE QUALIFIED
4 SMALL WINE MAKER, THE COMMISSION SHALL ONLY ISSUE 1 FARMER'S MARKET
5 PERMIT IN A COUNTY WHERE THE FARMER'S MARKET IS LOCATED FOR EACH 1,500
6 OF POPULATION OR FRACTION OF 1,500 IN THAT COUNTY] AS DETERMINED BY THE
LAST FEDERAL DECENNIAL CENSUS,
7 BY A SPECIAL CENSUS PURSUANT TO SECTION 6 OF THE HOME RULE CITY

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1 ACT, 1909 PA 279, MCL 117.6, OR SECTION 7 OF THE GLENN STEIL STATE
2 REVENUE SHARING ACT OF 1971, 1971 PA 140, MCL 141.907, OR BY THE
3 LATEST CENSUS AND CORRECTIONS PUBLISHED BY THE UNITED STATES
4 DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, WHICHEVER IS LATER.
5 THE HOLDER OF A FARMER'S MARKET PERMIT MAY CONDUCT TASTINGS AND
6 SELL, AT RETAIL AT A FARMER'S MARKET, THE WINE PRODUCED BY THAT
7 QUALIFIED SMALL WINE MAKER.

8 (2) THE COMMISSION SHALL CHARGE A FEE FOR A FARMER'S MARKET
9 PERMIT OF \$25.00 FOR EACH FARMER'S MARKET LOCATION. A FARMER'S
10 MARKET PERMIT ISSUED UNDER THIS SECTION IS NONTRANSFERABLE.
11 NOTWITHSTANDING THE QUOTA PROVISION UNDER SUBSECTION (1), THE
12 COMMISSION SHALL NOT LIMIT THE NUMBER OF PERMITS A QUALIFIED SMALL
13 WINE MAKER OBTAINS UNDER THIS SECTION, BUT AN APPLICATION FOR A
14 FARMER'S MARKET PERMIT SHALL ONLY CONTAIN UP TO 5 SEPARATE
15 LOCATIONS AT 1 TIME. SECTION 503 DOES NOT APPLY TO THE APPLICATION
16 OR ISSUANCE OF A PERMIT UNDER THIS SECTION OR TO THE LOCATION OF A
17 FARMER'S MARKET WHERE THE HOLDER OF A FARMER'S MARKET PERMIT
18 INTENDS TO PARTICIPATE UNDER THIS SECTION.

19 (3) THE COMMISSION SHALL NOT ISSUE A FARMER'S MARKET PERMIT
20 UNDER THIS SECTION UNLESS THE APPLICANT PROVIDES DOCUMENTATION, IN
21 A MANNER PRESCRIBED BY THE COMMISSION, THAT THE LOCAL POLICE AGENCY
22 WHERE THE FARMER'S MARKET IS LOCATED AND THE FARMER'S MARKET
23 MANAGER AT THAT LOCATION HAVE APPROVED THE PROPOSED ACTIVITY.

24 (4) THE TASTINGS AND SALES PERFORMED UNDER A FARMER'S MARKET
25 PERMIT SHALL BE LIMITED TO AN EXCLUSIVE AREA [THAT IS WELL DEFINED AND
CLEARLY MARKED], IN A MANNER
26 PRESCRIBED BY THE COMMISSION, THAT IS UNDER THE CONTROL OF THE
27 HOLDER OF THE FARMER'S MARKET PERMIT, AS VERIFIED BY THE FARMER'S

1 MARKET MANAGER.

2 (5) THE TASTINGS AND SALES PERFORMED UNDER A FARMER'S MARKET
3 PERMIT SHALL BE CONDUCTED BY EMPLOYEES OF THE HOLDER OF THE
4 FARMER'S MARKET PERMIT WHO HAVE COMPLETED A SERVER TRAINING PROGRAM
5 AS PROVIDED FOR IN SECTION 906 AND THE RULES PROMULGATED BY THE
6 COMMISSION.

7 (6) THE WINE SOLD OR USED FOR TASTINGS SHALL BE FURNISHED FROM
8 THE STOCK OF THE HOLDER OF THE FARMER'S MARKET PERMIT AND REMOVED
9 FROM THE FARMER'S MARKET PREMISES IMMEDIATELY AFTER THE FARMER'S
10 MARKET HAS CONCLUDED.

11 (7) TASTING SAMPLES PROVIDED TO A CUSTOMER SHALL NOT EXCEED 3
12 SERVINGS OF NOT MORE THAN 2 OUNCES OF WINE IN A 24-HOUR PERIOD OF
13 TIME.

14 (8) THE COMMISSION SHALL DEVELOP AN APPLICATION FOR AN ANNUAL
15 FARMER'S MARKET PERMIT ALLOWING FOR LICENSED ACTIVITIES UNDER THIS
16 SECTION. A FARMER'S MARKET MANAGER SHALL VERIFY ON THE APPLICATION
17 THAT THE LOCATION LISTED ON THE APPLICATION QUALIFIES AS A FARMER'S
18 MARKET UNDER THIS SECTION.

19 (9) A WHOLESALER SHALL NOT CONDUCT OR PARTICIPATE IN ANY EVENT
20 ALLOWED BY THIS SECTION.

21 (10) A HOLDER OF A FARMER'S MARKET PERMIT IS CONSIDERED A
22 MANUFACTURER AS PROVIDED UNDER SECTION 603(15)(A).

23 (11) TWO YEARS AFTER THE ENACTMENT DATE OF THE AMENDATORY ACT
24 THAT ADDED THIS SECTION, THE COMMISSION SHALL SUBMIT A REPORT TO
25 THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
26 CONCERNED WITH ISSUES INVOLVING LIQUOR CONTROL AND THE HOUSE AND
27 SENATE FISCAL AGENCIES ASSESSING THE CONTINUED ISSUANCE OF FARMER'S

1 MARKET PERMITS TO QUALIFIED SMALL WINE MAKERS. THE REPORT SHALL
2 INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

3 (A) THE NUMBER OF APPLICATIONS RECEIVED EACH YEAR FOR A
4 FARMER'S MARKET PERMIT.

5 (B) THE NUMBER OF FARMER'S MARKET PERMIT APPLICATIONS APPROVED
6 EACH YEAR.

7 (C) THE NUMBER OF FARMER'S MARKET PERMIT APPLICATIONS APPROVED
8 IN EACH COUNTY.

9 (12) AS USED IN THIS SECTION:

10 (A) "FARMER'S MARKET" MEANS A GROUP OF FARMERS OR THEIR
11 DESIGNEES OR A VARIETY OF VENDORS, AS DETERMINED BY THE FARMER'S
12 MARKET MANAGER OR HIS OR HER DESIGNEE, WHO ASSEMBLES ON A RECURRING
13 BASIS AT A DEFINED COMMUNITY SPONSORED OR MUNICIPALLY SPONSORED
14 LOCATION FOR THE PURPOSES OF SELLING, DIRECTLY TO A CONSUMER, FOOD
15 AND PRODUCTS PRODUCED BY THOSE FARMERS OR THEIR REPRESENTATIVES.

16 (B) "FARMER'S MARKET MANAGER" MEANS THE PERSON RESPONSIBLE FOR
17 ENFORCING THE MARKET POLICY AND FOR THE DAILY OPERATION AND
18 MANAGEMENT OF THE FARMER'S MARKET.

19 (C) "FARMER'S MARKET PERMIT" MEANS AN ANNUAL PERMIT ISSUED AS
20 PART OF AN APPROVED LICENSE TO A QUALIFIED SMALL WINE MAKER
21 ALLOWING THAT PERSON TO CONDUCT TASTINGS AND SELL AT RETAIL, FOR
22 CONSUMPTION OFF THE LICENSED PREMISES, AT A FARMER'S MARKET, WINE
23 PRODUCED BY THE QUALIFIED SMALL WINE MAKER.

24 (D) "QUALIFIED SMALL WINE MAKER" MEANS A SMALL WINE MAKER, OR
25 AN OUT-OF-STATE ENTITY THAT IS THE SUBSTANTIAL EQUIVALENT OF A
26 SMALL WINE MAKER, THAT MANUFACTURES OR BOTTLES NOT MORE THAN 5,000
27 GALLONS OF WINE IN 1 CALENDAR YEAR.

1 Enacting section 1. This amendatory act takes effect 60 days
2 after the date it is enacted into law.