

# HOUSE BILL No. 4559

May 2, 2017, Introduced by Reps. Barrett, Bellino, Marino, Elder, Roberts, Leutheuser, Moss, Dianda, VanderWall, Jones, Griffin, Chirkun, Camilleri, Lasinski, Hughes, Peterson, Durhal, Lucido, Greimel, Guerra, Webber, Zemke, Sneller, Kesto, Inman, Cox, Phelps, Yanez, Hauck, Cole, Maturen, Vaupel, Sheppard, Hertel, Calley, Crawford, Whiteford, Victory, Howell, LaFave, Wittenberg, Cochran, Greig, Tedder, Green, Kelly, Rendon, Kosowski, Hernandez, Frederick, McCready, Liberati, Lilly, Sabo, Faris, Sowerby, VanSingel, LaSata, Santana, Geiss, Neeley, Allor, Graves, Schor and Afendoulis 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 1025 (MCL 436.2025), as amended by 2010 PA 213.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1025. (1) ~~A-EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION~~  
2           (3), **AND SUBJECT TO SUBSECTION (2),** A vendor shall not give away  
3           any alcoholic liquor of any kind or description at any time in  
4           connection with his or her business, except ~~manufacturers~~**A VENDOR**  
5           **THAT IS A MANUFACTURER** for consumption on the premises only.

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

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

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

4 (B) A PERSON FROM CONDUCTING ANY SAMPLING OR TASTING  
5 AUTHORIZED BY RULE OF THE COMMISSION.

6 (C) THE HOLDER OF A FARMER'S MARKET PERMIT FROM CONDUCTING A  
7 TASTING AUTHORIZED UNDER SECTION 415.

8 (D) ~~(b)~~—A person from conducting of any sampling or tasting  
9 authorized by ~~UNDER~~ section 537. ~~or rule of the commission.~~

10 (E) A RETAILER LICENSED FOR CONSUMPTION ON THE PREMISES FROM  
11 CONDUCTING A SAMPLING AUTHORIZED UNDER SECTION 1027(2).

12 (F) A PERSON FROM CONDUCTING A SAMPLING AT A CONSUMER SAMPLING  
13 EVENT AUTHORIZED UNDER SECTION 1027(4) AND (5).

14 (G) ~~(e)~~—A class A or B hotel designed to attract and  
15 accommodate tourists and visitors in a resort area from giving away  
16 alcoholic liquor to an invitee or guest in connection with a  
17 business event or as a part of a room special or promotion for  
18 overnight accommodations.

19 (3) A WHOLESALER OR MANUFACTURER MAY GIVE SAMPLES OF BEER OR  
20 WINE TO AN EMPLOYEE OF THE WHOLESALER IF ALL OF THE FOLLOWING  
21 CONDITIONS ARE MET:

22 (A) THE SAMPLING IS FOR THE PURPOSE OF EDUCATING THE EMPLOYEE  
23 REGARDING THE BEER OR WINE.

24 (B) THE EMPLOYEE IS AT LEAST 21 YEARS OF AGE.

25 (C) THE SAMPLING TAKES PLACE ON THE LICENSED PREMISES OF THE  
26 WHOLESALER.

27 (4) ~~(3)~~—A vendor shall not sell an alcoholic liquor to a

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1 ~~person~~ **AN INDIVIDUAL** in an intoxicated condition.

2       (5) ~~(4)~~—Evidence of any breathalyzer or blood alcohol test  
3 results obtained in a licensed establishment, or on property  
4 adjacent to the licensed premises and under the control or  
5 ownership of the licensee, ~~shall~~ **IS** not [be] admissible to prove a  
6 violation of this section, section 707(1), (2), (3), or (4), or  
7 section 801(2). To establish a violation of this section, section  
8 707(1), (2), (3), or (4), or section 801(2), the ~~person's~~  
9 **INDIVIDUAL'S** intoxicated condition at the time of the sale or  
10 consumption of alcohol must be proven by direct observation by law  
11 enforcement or commission enforcement personnel or through other  
12 admissible witness statements or corroborating evidence obtained as  
13 part of the standard investigation other than breathalyzer or blood  
14 alcohol test results.