



QUALIFYING INVENTORY LIST – MOTOR VEHICLE FUEL PUMPS

[Authorized by MCL 436.1541(1)(3)(4), R 436.1129(4) and R 436.1135(4)]

The following information has been compiled to assist in identifying the qualifying inventory to be maintained on the licensed premise and to define the 50 foot distance requirement for a Specially Designated Merchant and/or a Specially Designated Distributor license with motor vehicle fuel pumps. The goods that are specifically excluded as qualifying inventory are not considered to be sold as a matter of common practice; however, this is not an all encompassing list and is not a substitute for review and approval by the MLCC.

Section 436.1541(1) of the Michigan Compiled Laws (MCL), being Section 541(1) of the Michigan Liquor Control Code of 1998 provides as follows:

“(1) The Commission shall not prohibit an applicant for or the holder of a specially designated distributor license or specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if both of the following conditions are met: (a) One or both of the following conditions exist: (i) The applicant or licensee is located in a neighborhood shopping center composed of 1 or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space. (ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses. (b) The site of payment and selection of alcoholic liquor is not less than 50 feet from that point where motor vehicle fuel is dispensed.”

Pursuant to its Administrative Order issued on February 26, 2008, the Liquor Control Commission ordered that the following standards be applied in implementing the provisions of MCL 436.1541(1):

1) In determining an applicant’s qualifications for SDD or SDM licensure under the \$250,000 inventory requirement of MCL 436.1541(1)(a)(ii), supra, **all goods and services, which are sold by an approved type of business as a matter of common practice, shall be considered to be qualifying inventory, excluding alcoholic liquor, motor vehicle fuel and any merchandise acquired on a consignment basis, including lottery tickets. Goods that are not considered to be sold as a matter of common practice include, but are not limited to, such merchandise as hardware, apparel, sporting goods, bait, electronic equipment, home accessories, marine/automotive parts, floral, lawn and garden supplies, and jewelry.**

2) The distance requirement of MCL 436.1541(1)(b) shall be considered to have been met **if the distance between both the cash register and any display of alcoholic liquor within the licensed premises are not less than 50 feet from the nearest motor vehicle fuel pump.**

This Order shall have immediate effect and will remain in effect during the pendency of the Commission’s attempt to seek legislative clarification or action as to the requirements to be imposed upon applicants for SDD and SDM licenses who have motor vehicle fuel pumps, or until further order of the Commission.