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Upcoming Changes to Conditional Licenses Under Public Act 315 of 2016 (Senate Bill 981) – Effective February 1, 2017

Governor Rick Snyder signed [Senate Bill 981](#) into law as Public Act 315 of 2016 on November 2, 2016. The changes made in Public Act 315 will go into effect on **February 1, 2017**.

Public Act 315 of 2016 makes the following changes to conditional licenses:

- Allows conditional licenses for ownership and location transfers of retailer licenses, except for Specially Designated Distributor (SDD) licenses. The applicant must attest on a Church or School Proximity Affidavit that the proposed location is not within 500 feet of a church or school using the method of measurement provided in MCL 436.1503 (see below for more details).
- Clarifies that conditional licenses are for retailer licenses only.
- Removes language regarding the transfer of interest under a conditional license.
- Allows the Commission to exclude permits or permissions from the conditional license for which an applicant may not qualify or for which the applicant has requested to cancel on the permanent license.
- Removes the 20-day expiration of a conditional license upon mailing of the order for the permanent license. The conditional license will not expire until the issuance of the permanent license, unless the year expiration date is reached first.
- Clarifies that for license types which require server training the 180-day clock starts upon issuance of the conditional license regardless of whether the conditional license is being used actively or not by the applicant.

Churches & Schools

Pursuant to MCL 436.1525(6), as amended under Public Act 315 of 2016, an applicant seeking a conditional license in conjunction with the transfer of ownership and location of an existing retailer license must attest on a Church or School Proximity Affidavit that the proposed location for the license is not within 500 feet of a church or school. The method of measurement for determining the proximity to a church or school shall be the method of measurement required under MCL 436.1503. This method of measurement will be described on the Church or School Proximity Affidavit that will be contained in the new Conditional License Application – Ownership & Location Transfers (LCC-103a) that will be available when Public Act 315 becomes effective February 1, 2017.

Pursuant to MCL 436.1525(7), as amended under Public Act 315 of 2016, if the Commission determines that a conditional license has been issued in conjunction with a request to transfer ownership and location at a new location that is within 500 feet of a church or school, the Commission shall suspend the conditional license and notify the church or school of the proposed location under the administrative rules. The State of Michigan is not liable for the issuance of a conditional license based on a Church or School Proximity Affidavit that contains incorrect information about the proximity to a church or school.