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**436.2105 Sale of spirits and mixed spirit drink for consumption on premises; referendum; license to serve spirits in addition to beer and wine for consumption on premises; application; approval; fee; referendum in certain townships.**

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Sec. 1105.

- (1) When the question of the sale of spirits and mixed spirit drink for consumption on the premises is submitted to and approved by the electors of a city, village, or township, and immediately after certification of the results of the election, all currently approved licensed establishments for consumption of beer and wine on the premises in the city, village, or township shall be licensed to serve spirits and mixed spirit drink in addition to beer and wine for consumption on the premises upon application to and approval by the commission and payment of the applicable license fee as specified in section 525.
- (2) A township having incorporated villages within its boundaries may submit to the voters in the unincorporated portion of the township the question of sale of spirits and mixed spirit drink for consumption on the premises and the will of the electors outside of the incorporated villages shall decide the question for the unincorporated portion of the township.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**436.2107 Manufacture and sale of alcoholic liquor; county option; form of ballot; notice of prohibition.**

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Sec. 1107.

- (1) Upon the filing with the county clerk of a petition signed by not less than 20% of the registered and qualified electors of any county of the entire vote cast for the office of secretary of state in that county at the last general election requesting the submission to the electors of that county of the question of the manufacture or sale of alcoholic liquor, or both, within that county, the county clerk shall submit the question at the next regular state election held in that county. A petition filed under this subsection shall be filed at least 60 days before the election. A ballot question under this subsection shall not be submitted to the electors more often than once in any 4-year period.
- (2) All votes on the question shall be taken, counted, and canvassed in the same manner as votes cast for county offices are taken, counted, and canvassed. The vote on that question shall be by ballot, which ballots shall be furnished by the board of election commissioners of the county and shall be substantially in 1 of the following forms:
  - “1. Shall the manufacture of alcoholic liquor be prohibited in the county of .....?  
Yes .....
  - No .....
  2. Shall the sale of alcoholic liquor be prohibited in the county of .....?  
Yes .....
  - No .....
  3. Shall the manufacture and sale of alcoholic liquor be prohibited in the county of .....?  
Yes .....
  - No .....”.
- (3) The effective date of the prohibition of the manufacture or sale, or both, as applicable, shall be 30 days after the board of county canvassers has determined that a majority of those voting on that question have voted in favor of the prohibition. The county clerk shall give notice of the effective date of the prohibition by publishing the date at least once in a newspaper published in that county or, if no newspaper is published within the county, in a newspaper published in an adjoining county.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**436.2109 Ordinance prohibiting retail sale of alcoholic liquor; adoption; duration; election; affirmation or revocation; prohibition.**

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Sec. 1109.

- (1) Notwithstanding section 1101, a city, village, or township in which there are no retail licenses for the sale of alcoholic liquor may, by ordinance, prohibit the retail sale of alcoholic liquor within its borders.
- (2) An ordinance adopted under subsection (1) remains in effect until the next general or special election held not less than 45 days after the adoption of the ordinance. At that election, the ordinance shall be submitted to the electors of the city, village, or township for affirmation or revocation. A revocation of the ordinance is effective on the date the election results are certified.
- (3) The commission shall not issue a license that violates an ordinance adopted under subsection (1).

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**436.2111 Beer and wine; referendum as to Sunday sale; petition; form of ballot; taking, counting, and canvassing votes; prohibition.**

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Sec. 1111.

- (1) The sale of beer and wine between the hours of 7 a.m. on Sunday and 2 a.m. on Monday is allowed. Except as otherwise provided in subsection (6), a county, city, village, or township may prohibit the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under the following circumstances:
  - (a) By majority vote of the legislative body voting on the resolution to make such an authorization. Failure of the legislative body to act on such an authorization is grounds for the petitioning of the county, city, village, or township for submission of the question to the voters of the county, city, village, or township under subsection (2).
  - (b) By submission of a petition under subsection (2) by a majority vote of the electors voting at a regular state election.
- (2) Upon the filing of a petition with the county, city, village, or township clerk, by a majority of the electors voting at a regular state election within that county, village, city, or township, as applicable, requesting the submission of the question of the Sunday morning sale of beer and wine or the Sunday sale of beer and wine, the clerk shall submit that question to the electors of the county, city, village, or township at the next regular state election held in that county, city, village, or township. A petition filed under this subsection shall be filed not less than 60 days before the regular state election. A ballot question under this subsection shall not be submitted more often than once in any 4-year period.
- (3) In the case of a county, city, or township, the petition shall be signed by a number of the registered and qualified electors of the county, city, or township that is not less than 35% of the total number of votes cast for all candidates for the office of secretary of state in that county, city, or township at the last general election held for that purpose and, in the case of a village the petition shall be signed by a number of the registered and qualified electors of the village that is not less than 35% of the total number of votes cast for all candidates for the office of president of the village at the last village election held for that purpose.
- (4) The question of the sale of beer and wine shall be submitted by ballot in substantially the following forms:
  - (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday:

“Shall the sale of beer and wine within (the county, city, village, or township as the case may be) between the hours of 7 a.m. and 12 noon on Sunday be prohibited?

Yes .....

No .....

- (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday:  
“Shall the sale of beer and wine within (the county, city, village, or township as the case may be) between the hours of 7 a.m. on Sunday and 2 a.m. on Monday be prohibited?

Yes .....

No .....

- (5) Votes on a question submitted to the electors under this section shall be taken, counted, and canvassed in the same manner as votes cast in county, city, village, or township elections, as applicable, are taken, counted, and canvassed. Ballots shall be furnished by the election commission or similar body of the respective county, city, village, or township. If a majority of the electors voting at an election conducted under this section vote in favor of the question submitted, the sale of beer and wine within that county, city, village, or township between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday is prohibited.
- (6) The sale of beer and wine in any county between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday shall not be prohibited under the provisions of subsections (1) through (5) as applied to a motorsports entertainment complex located in more than 1 county if a resolution or referendum under this section results in the question’s failing to pass in 1 county but passing in another. Under these circumstances, the commission shall determine the issue of the sale of beer and wine in the motorsports entertainment complex in those counties between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. As used in this section, “motorsports entertainment complex” means a closed-course motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following:
- (a) Has at least 70,000 fixed seats for race patrons.
  - (b) Has at least 4 scheduled days of motorsports events each calendar year.
  - (c) Serves food and beverages at the motorsports entertainment complex during motorsports events each calendar year through concession outlets, which are staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly benefit from the concession outlets’ sales.
  - (d) Engages in tourism promotion.
  - (e) Has permanent exhibitions of motorsports history, events, or vehicles within the motorsports entertainment complex.
- (7) Any prohibitions on the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday adopted by a county, city, village, or township before the effective date of the amendatory act that added this subsection shall remain in effect.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998; Am. 2010, Act 213, Eff. December 1, 2010; Am. 2011, Act 27, Imd. Eff. May 16, 2011.

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**436.2113 Selling at retail, giving away, furnishing, or buying spirits or mixed spirit drink on Sunday; sale of spirits or mixed spirit drink for consumption on or off premises on Sunday; resolution; petition; election; form of ballot; voting; violation as misdemeanor; exception; selling and buying alcoholic liquor from December 24 to 26; legislative bodies authorized to prohibit sale of alcoholic liquor on certain days.**

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Sec. 1113.

- (1) Except as provided in subsection (2), (3), or (5) and subject to subsection (6), a licensee enumerated under section 525 may sell at retail, and a person may buy, spirits or mixed spirit drink between the hours of 7 a.m. on Sunday and 2 a.m. on Monday.
- (2) Unless the legislative body of a county has prohibited the sale of spirits and mixed spirit drink for consumption on the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday, by resolution approved by a majority of the legislative body voting on that resolution, spirits and mixed spirit drink may be sold after 7 a.m. on Sunday, in an establishment licensed under this act in which the gross receipts derived from the sale of food and other goods and services exceed 50% of the total gross receipts. With respect to an action taken by the legislative body or if the legislative body fails to act, a petition may be filed with the county clerk requesting the submission of the question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption on the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The petition shall be signed by a number of the registered and qualified electors of the county that is not less than 8% of the total number of votes cast for all candidates for the office of secretary of state in the county at the last general election held for that purpose. The question shall not be submitted to the electors of a county more than once every 4 years. The county clerk shall submit the question at the next regular state election held in the county if the petitions are filed not less than 60 days before the election. The question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption on the premises shall be submitted by ballot in substantially the following forms:
  - (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday:

“Shall the sale of spirits and mixed spirit drink for consumption on the premises be prohibited between the hours of 7 a.m. and 12 noon on Sunday within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption?  
Yes .....

No .....
  - (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday:

“Shall the sale of spirits and mixed spirit drink for consumption on the premises be prohibited between the hours of 7 a.m. on Sunday and 2 a.m. on Monday within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption?  
Yes .....

No .....
- (3) Unless the legislative body of a county has prohibited the sale of spirits and mixed spirit drink for consumption off the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday by resolution

approved by a majority of the legislative body voting on the resolution, spirits and mixed spirit drink may be sold after 7 a.m., in a retail establishment licensed under this act. With respect to an action taken by the legislative body or if the legislative body fails to act, a petition may be filed with the county clerk requesting the submission of the question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption off the premises, in addition to beer and wine, in a retail establishment licensed under this act between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The petition shall be signed by a number of the registered and qualified electors of the county that is not less than 8% of the total number of votes cast for all candidates for the office of secretary of state in the county at the last general election held for that purpose. The question shall not be submitted to the electors of a county more than once every 4 years. The county clerk shall submit the question at the next regular state election held in the county if the petitions are filed not less than 60 days before the election. The question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption off the premises, in addition to beer and wine, in a retail establishment licensed under this act shall be submitted by ballot in substantially the following forms:

- (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday:

“Shall the sale of spirits and mixed spirit drink for consumption off the premises be prohibited between the hours of 7 a.m. and 12 noon on Sunday in a retail establishment licensed under the Michigan liquor control code of 1998 within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption?

Yes .....

No .....

- (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday:

“Shall the sale of spirits and mixed spirit drink for consumption off the premises be prohibited between the hours of 7 a.m. on Sunday and 2 a.m. on Monday in a retail establishment licensed under the Michigan liquor control code of 1998 within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption?

Yes .....

No .....

- (4) Votes on a question submitted to the electors under this section shall be taken, counted, and canvassed in the same manner as votes cast in county elections are taken, counted, and canvassed. A ballot shall be furnished by the election commission or similar body of the county. If a majority of the electors voting at an election vote in favor of the proposal, the sale of spirits and mixed spirit drink may be prohibited in the county under this act for consumption on the premises or by a retail establishment for consumption off the premises, in addition to beer and wine, between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The sale of spirits and mixed spirit drink shall not be permitted in a city, village, or township in which the sale of spirits and mixed spirit drink is prohibited under this act. A violation of this section is a misdemeanor. This section does not apply to spirits and mixed spirit drink served to a bona fide guest in the residence of a person or sold or furnished for medicinal purposes as provided for in this act.
- (5) A licensee enumerated under section 525 or any other person shall not sell at retail, and a person shall not knowingly and willfully buy, alcoholic liquor between the hours of 11:59 p.m. on December 24 and 12 noon on December 25. The legislative body of a city, village, or township, by resolution or ordinance, may prohibit the sale of alcoholic liquor on a legal holiday, primary election day, general election day, municipal election day,

between the hours of 7 a.m. and 12 noon on Sunday, or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday.

- (6) The sale of spirits or mixed spirit drink in any county between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday shall not be prohibited under the provisions of subsections (1) through (5) as applied to a motorsports entertainment complex located in more than 1 county if a resolution or referendum under this section results in the question's failing to pass in 1 county but passing in another. Under those circumstances, the commission shall determine the issue of the sale of spirits and mixed spirit drink in the motorsports entertainment complex in those counties between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. As used in this section, "motorsports entertainment complex" means a closed-course motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following:
- (a) Has at least 70,000 fixed seats for race patrons.
  - (b) Has at least 4 scheduled days of motorsports events each calendar year.
  - (c) Serves food and beverages at the motorsports entertainment complex during motorsports events each calendar year through concession outlets, which are staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly benefit from the concession outlets' sales.
  - (d) Engages in tourism promotion.
  - (e) Has permanent exhibitions of motorsports history, events, or vehicles within the motorsports entertainment complex.
- (7) Any prohibitions on the sale of alcoholic liquor between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday adopted by a county, city, village, or township before the effective date of the amendatory act that added this subsection shall remain in effect.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998;—Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998;—Am. 2004, Act 134, Imd. Eff. 6/7/04; Am. 2010, Act 213, Eff. December 1, 2010; Am. 2011, Act 27, Imd. Eff. May 16, 2011.

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#### **436.2114 Hours of sale.**

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Sec. 1114.

- (1) Notwithstanding R 436.1403 and R 436.1503 of the Michigan administrative code and except as otherwise provided under this act or rule of the commission, an on-premises and an off-premises licensee shall not sell, give away, or furnish alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day.
- (2) Subsection (1) does not prevent any local governmental unit from prohibiting the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under section 1111 and does not prevent any local governmental unit from prohibiting the sale of spirits and mixed spirit drink between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under section 1113. A licensee selling alcoholic liquor between 7 a.m. and 12 noon on Sunday shall obtain a permit and pay to the commission an annual fee of \$160.00.
- (3) A reference to the time of day under this act or a rule of the commission includes daylight savings time, when observed.

**History:** Added 2004, Act 134, Imd. Eff. 6/7/04; Am. 2010, Act 213, Eff. December 1, 2010; Am. 2011, Act 27, Imd. Eff. May 16, 2011.

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#### **436.2115 Sale of spirits or mixed spirit drink on Sunday; additional fee; disposition of revenue.**

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Sec. 1115.

- (1) A licensee who elects to sell spirits or mixed spirit drink between the hours of 12 noon on Sunday and 2 a.m. on Monday under section 1113 shall not do so until he or she first obtains a permit and pays to the commission an additional fee in the amount of 15% of the fee charged for the issuance of his or her license.

- (2) The revenue received from subsection (1) for the sale of spirits or mixed spirit drink between 12 noon on Sunday and 2 a.m. on Monday shall be deposited with the state treasurer in a special fund to be used only by the department of public health in programs for the treatment of alcoholics. Any other revenue resulting from the additional \$160.00 license fee as described in section 1114 for sales of alcoholic liquor permitted under sections 1111 and 1113 shall be deposited into the general fund.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998; Am. 2010, Act 213, Eff. December 1, 2010

## **CHAPTER 12**

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### **436.2201 Imposition of tax; levy; collection; computations; deposit of proceeds; general fund; inventory.**

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Sec. 1201.

- (1) In addition to any and all taxes imposed by law, there is imposed and levied upon and collected a specific tax equal to 4% of the retail selling price of spirits. The tax shall be collected by the commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount.
- (2) Upon collection, the commission shall deposit the entire proceeds in the state treasury, to the credit of the general fund.
- (3) If section 1201 is repealed, every licensee, who has on hand any spirits on the effective date of the repeal, shall file a complete inventory of those spirits with the commission within 20 days after the repeal. The commission shall credit to such a licensee an amount equal to 4% of the retail selling price of those spirits on future purchases of spirits from the commission.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998

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**436.2203 Imposition of tax; levy; collection; computation; deposit of proceeds; state school aid fund.**

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Sec. 1203.

- (1) In addition to any and all taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% retail selling price of spirits. The tax shall be collected by the commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount.
- (2) Upon collection, the commission shall deposit the entire proceeds in the state treasury, to the credit of the state school aid fund established by sections 8, 10, and 11 of article IX of the state constitution.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**436.2205 Imposition of tax; levy; collection; deposit of proceeds; liquor purchase revolving fund.**

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Sec. 1205.

- (1) In addition to any and all taxes imposed by law, there is imposed and levied upon and collected a specific tax equal to 1.85% of the retail selling price of spirits for consumption off the premises. The tax shall be collected by the commission at the time of the sale by the commission.
- (2) Upon collection, the commission shall deposit the entire proceeds in the state treasury, to the credit of the liquor purchase revolving fund.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**436.2207 Legislative findings and declarations; programs to promote tourism and convention business; acquisition of convention facilities; imposition of tax on spirits for consumption off premises; deposit of proceeds; convention facility development fund.**

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Sec. 1207.

- (1) The legislature finds and declares that there exists in this state a continuing need for programs to promote tourism and convention business in order to assist in the prevention of unemployment and the alleviation of the conditions of unemployment, to preserve existing jobs, and to create new jobs to meet the employment demands of population growth. In order to achieve these purposes, it is necessary to assist and encourage local units of government to acquire, construct, improve, enlarge, renew, replace, repair, furnish, and equip convention facilities and the real property on which they are located.
- (2) In addition to any other taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% of the retail selling price of spirits for consumption on the premises. The tax shall be collected by the commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount.
- (3) In addition to any other taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% of the retail selling price of spirits for consumption off the premises. The tax shall be collected by the commission at the time of the sale by the commission.
- (4) Upon collection, the commission shall deposit the proceeds of the taxes imposed pursuant to subsections (2) and (3) in the state treasury to the credit of the convention facility development fund created by the state convention facility development act, 1985 PA 106, MCL 207.621 to 207.640, for distribution and use only in the manner and for the purposes stated in that act.
- (5) The tax imposed by this act shall not be levied during any period in which the tax imposed pursuant to the state convention facility development act, 1985 PA 106, MCL 207.621 to 207.640, is not levied.
- (6) This section shall not be construed as making appropriations.

**History:** 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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**R 436.1863 Samples.**

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## Rule 63.

- (1) A sample of alcoholic liquor shall have affixed on a separate label or on the commercial label the word "Sample" at least ½ inch high.
- (2) Only 1 open sample bottle or can of alcoholic liquor may be given to a retail licensee for his personal sampling.
- (3) A vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of wine, outstate seller of beer, vendor representative, salesman or other licensees shall not assist in the violation of the liquor control act or commission rules.

History: 1954 ACS 83, Eff. May 2, 1975; 1979 AC.

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**R 436.1865 Expenses and expense records.**

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## Rule 65.

- (1) A vendor representative and salesperson of a vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine or wholesaler shall maintain an accurate record of expenditures for each call on a retail licensee. These records shall be maintained for 4 years and be available for commission inspection.
- (2) (2) A vendor representative or salesperson of spirits or wine, for promotional purposes, may purchase 1 drink for each customer of an on-premises retail licensee only. The drink purchased shall be of the brand represented by the vendor representative or salesperson.
- (3) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer or an outstate seller of beer, for promotional purposes, may purchase 1 drink for each customer of an on-premises retail licensee subject to a total spending limit of \$50.00 per day. The drinks purchased shall be of the brand represented by the vendor representative or salesperson.
- (4) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer or an outstate seller of beer shall not purchase drinks, as described in subrule (3) of this rule, more than twice per month at the same on-premises retail licensed location.
- (5) A licensee employed to deliver alcoholic liquor shall not purchase drinks of alcoholic liquors for a retail licensee while on duty or in the course of employment.

History: 1979 AC; 2010 MR 8, Eff. Apr. 22, 2010.

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**R 436.1869 Rescissions.**

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## Rule 69.

The rules of the commission entitled "Rules and Regulations Governing the Relationship between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, their Sales Representatives and Retail Licensees," being R 436.521 to R 436.534, R 436.549 to R 436.555, R 436.558, R 436.560 and R 436.570 of the Michigan Administrative Code and appearing on pages 5383 to 5384 and 5386 to 5388 of the 1954 volume of the Code are rescinded.

History: 1954 ACS 83; Eff. May 2, 1975; 1979 AC.

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