



MICHIGAN LIQUOR CONTROL COMMISSION REOPENING FREQUENTLY ASKED QUESTIONS



The information contained here may change as new epidemic orders are issued. Please check here for updates or visit the Michigan Department of Health and Human Services' Epidemic Order website at: https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-533660--,00.html.

Pursuant to the Michigan Department of Health and Human Services (MDHHS) Epidemic Order issued on November 15, 2020, **which goes into effect November 18, 2020 at 12:01am through December 8, 2020 at 11:59pm**, titled "Gatherings and Face Mask Order" ([click here to read the order](#)), licensed businesses in Michigan must follow the occupancy and face covering requirements described in the order:

- **Face coverings are required at all licensed businesses, with very limited exceptions as stated in the MDHHS Epidemic Order. A licensee may not presume that a person is excluded from the mask-wearing requirement.**
- **Retail Stores** - Reduced occupancy of **30% of the total occupancy** limits established by the State Fire Marshal or local fire marshal for licensed retail store businesses, such as convenience stores, grocery stores, liquor stores, and gas stations.
- **Food Service Establishments** - For licensed food service establishment businesses that sell alcoholic liquor for consumption on the premises, such as restaurants, bars, hotels, manufacturer tasting rooms, and clubs:
 - No indoor dining or indoor consumption of alcohol from November 18 through December 8, 2020.
 - Outdoor dining and outdoor consumption of alcohol in approved outdoor service areas is allowed subject to the following requirements:
 - Face masks are required of all patrons (unless exempted by the Order), except when eating and drinking while seated at a table.
 - Tables must be at least six (6) feet apart.
 - No more than six (6) people to a table.
 - Customers must be seated at tables.

[Click here for a one-page infographic sheet from the MDHHS explaining the November 15, 2020 epidemic order.](#)

Local Health Department Orders

Please note that local health departments may also have their own Coronavirus-related order in place. Licensees should contact the health department that covers the area where they are located to confirm if additional restrictions have been ordered at the local level. A list of contact information for local health departments may be found on the [MDHHS website by clicking here](#).

1. How do I add an outdoor service area for my licensed business?

- On-premises retailers (Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, and G-2 licenses) and manufacturers with On-Premises Tasting Room Permits, Off-Premises Tasting Room Licenses, or Joint Off-Premises Tasting Room Licenses may apply for permission for an outdoor service area using one of the forms listed below.
- The outdoor service area must be well defined and clearly marked. You will need to submit a diagram with exact measurements with your application to show the boundaries of the outdoor service area. You will also need to describe the barriers that will be used along the boundaries of the area. An outdoor service area must comply with all state and local building, health, and zoning laws.



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Form Name & Number	Form Description
<u>Outdoor Service Permanent Permission Application (LCC-204)</u>	Use this form to apply for: <ul style="list-style-type: none"> • A new outdoor service area. • To increase the size of an existing approved outdoor service area.
<u>2020 Limited Permanent Outdoor Service Conversion Application (LCC-204b)</u>	Use this form to convert an approved 2020 Limited Permanent Outdoor Service area into a regular Permanent Outdoor Service area. The approved dimensions for the 2020 Limited Permanent Outdoor Service area will be used for the regular Permanent Outdoor Service area. Approved 2020 Limited Permanent Outdoor Service areas are valid through April 30, 2021.
<u>Temporary Authorization Application (LCC-206)</u>	Use this form to apply for a one-day temporary outdoor service area. You may apply for up to 12 one-day temporary outdoor service areas in a calendar year.

2. Do I need approval from my local governmental unit to apply for an outdoor service area?

- An outdoor service area on private property does not require local approval for the Commission to approve an application. However, all portions of the licensed premises, including outdoor service areas, must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances, so it is important that you contact your local unit of government to ensure you are complying with any local ordinances regarding outdoor service areas.
- An outdoor service area on public property, such as a sidewalk or closed street, requires local approval for the Commission to approve an application. This can be a resolution passed by the local legislative body or a local use permit issued by the governmental unit. Governmental units have different procedures, so it is important that you contact your local governmental unit for what it might require.

3. My town has shut down the street on which several licensees have businesses so that we can have outdoor service areas for our bars and restaurants. What do we need to do to be approved?

- Each licensee would need to apply for an outdoor service area using one of the forms listed in question #1 above.
- Each licensee would need to provide documentation showing it has approval from the local unit of government as described in question #1 above.
- Each licensee would need to have its own dedicated outdoor service area and have exclusive control over that area. Licensees cannot share outdoor service areas and alcohol sold in one licensee's outdoor service area cannot be sold, served, or consumed in another licensee's outdoor service area.

4. My town has established a Social District and my licensed on-premises business is contiguous to the Social District. How do I obtain a Social District Permit?

- [Click here](#) for information on how to apply for a Social District Permit that was created under Public Act 124 of 2020 if your local governmental unit has established a Social District in your community.

5. I want to set up a bar to serve customers in my outdoor service area, do I need approval for that?

- Only Class C and B-Hotel licensees require additional approval for more than one bar. Tavern, A-Hotel, Club, G-1, and G-2 licenses and manufacturers with On-Premises Tasting Room Permits, Off-Premises Tasting Room Licenses, or Joint Off-Premises Tasting Room Licenses may set up an additional bar in an outdoor service area without approval from the Commission.



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- Class C and B-Hotel licensees must be approved for an Additional Bar, which costs \$350.00 each year. A licensee may hold multiple Additional Bars to be utilized throughout the licensed premises.
 - Class C and B-Hotel licensees may apply for a new Additional Bar using the [New Additional Bar Application \(LCC-115\)](#).
- 6. My entire golf course is approved for outdoor service and I want to have beverage carts to serve golfers. Do I need any special approval for those?**
- Mobile beverage carts on golf courses are treated like the Additional Bars mentioned in question #5 above.
 - If the golf course has a Class C or B-Hotel license, then each cart utilized to sell and serve alcoholic beverages to golfers in the outdoor service area would need to be approved for an Additional Bar. To apply for Additional Bars for beverage carts use the [New Additional Bar Application \(LCC-115\)](#).
- 7. I placed my license into escrow, how do I request to reactivate it?**
- Complete the [Request to Release License From Escrow \(LCC-108a\)](#) and email the form to MLCCEscrow@michigan.gov.
- 8. I have an on-premises retailer license and would like to sell beer and wine to go in its original container. Can I do that?**
- On-premises retailers must be issued a Specially Designated Merchant (SDM) license to be able to sell beer and wine in the original, unopened container to go. On-premises retailers must also hold an SDM license to be able to sell [growlers of beer](#).
 - The following on-premises retailers may be issued an SDM license:
 - Class C license
 - Tavern license
 - A-Hotel license
 - B-Hotel license
 - Club license (may only sell beer and wine to go under SDM license to its bona fide members)
 - G-1 license (may only sell beer and wine to go under SDM license to its bona fide members)
 - G-2 license (may only sell beer and wine to go under SDM license to its bona fide members)
 - On-premises retailers may apply for a new SDM license using the [New On-Premises SDM Application \(LCC-114\)](#).
- 9. I have a Class C license and would like to sell spirits and mixed drinks to go. Can I do that?**
- Effective July 1, 2020, on-premises retailer licensees and manufacturers with approved tasting rooms may sell alcoholic liquor (beer, wine, spirits, and mixed drinks) to go that has been placed in a sealable, qualified containers that is not the original container for the alcohol. They may also deliver the qualified containers to customers at home. [Please click here](#) for a detailed explanation of how to sell alcoholic liquor to go. The sale and delivery of alcoholic liquor in its original container is not allowed under this new law (see #10 below for details on the licensees that may sell and deliver alcoholic liquor in its original container).
- 10. Can I deliver alcohol to customers at their home?**
- Retailer licensees that hold Specially Designated Merchant (SDM) licenses may deliver beer and wine in the original, unopened container to customers at their homes or designated locations in compliance with MCL 436.1203(12):
 - The beer or wine is delivered by the SDM licensee's own employees.



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- The SDM licensee or its employee who delivers the beer or wine verifies that the individual accepting delivery is at least 21 years of age.
- If the SDM licensee or its employee intends to provide service to consumers, the SDM licensee or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- Off-premises retailer licensees with Specially Designated Distributor (SDD) licenses may deliver spirits and mixed spirit drink products in the original, unopened container to customers at their homes or designated locations in compliance with MCL 436.1203(14):
 - The spirits are delivered by the retailer's own employees.
 - The retailer or its employee who delivers the spirits verifies that the individual accepting delivery is at least 21 years of age.
 - If the retailer or its employee intends to provide service to consumers, the retailer or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- Licensees with Brewpub or Micro Brewer licenses may deliver beer the licensee manufactured to customers at their homes or designated locations in compliance with MCL 436.1203(12):
 - The beer is delivered by the Brewpub's or Micro Brewer's own employees.
 - The Brewpub or Micro Brewer or its employee who delivers the beer verifies that the individual accepting delivery is at least 21 years of age.
 - If the Brewpub or Micro Brewer or its employee intends to provide service to consumers, the Brewpub or Micro Brewer or its employee providing the service has received alcohol server training through a server training program approved by the Commission.
- A Wine Maker or Small Wine Maker licensee that holds a Direct Shipper license may deliver wine to customers at their home if the licensee complies with the conditions of [MCL 436.1203\(4\)](#).
- Third Party Facilitator Service licensees may deliver beer, wine, or spirits on behalf of SDD and SDM licensees to customers at their homes or designated locations in compliance with MCL 436.1203(15) and (16):
 - If the Third Party Facilitator Service licensees delivers beer, wine, or spirits, the third party facilitator service verifies that the individual accepting the delivery of the beer, wine, or spirits is at least 21 years of age.
 - The retailer or consumer pays the fees associated with deliveries.
 - The Third Party Facilitator Service licensees offers services for all brands available at the SDD or SDM licensed location.

11. If I am open for only takeout do I need to maintain liquor liability insurance?

- Yes. If your business is still open for takeout and/or delivery, you **must** continue to maintain liquor liability insurance, pursuant to MCL 436.1803.

12. I have an on-premises retailer license with a Specially Designated Merchant license (SDM) license and I sell beer and wine for takeout. Can I place my on-premises license into escrow and only use the SDM license?

- No. The SDM license has been issued in conjunction with your on-premises retailer license and cannot be used or licensed independently from your on-premises license. You must keep both licenses active to continue to sell beer and wine to customers for takeout under your SDM license.