



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of)
AN AMENDMENT TO ADMINISTRATIVE)
ORDER 2018-02 REGARDING REQUESTS)
BY RETAILERS TO SELL BEER AND WINE)
FOR LESS THAN THE COST TO THE)
RETAILER LICENSEE PURSUANT TO)
ADMINISTRATIVE RULE R 436.1055)

At the August 24, 2018 meeting of the Michigan Liquor Control Commission in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

ADMINISTRATIVE ORDER NO. 2018-07
AN AMENDMENT TO ADMINISTRATIVE ORDER 2018-02 REGARDING REQUESTS BY
RETAILERS TO SELL BEER AND WINE FOR LESS THAN THE COST TO THE
RETAILER LICENSEE PURSUANT TO ADMINISTRATIVE RULE R 436.1055

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

The Commission finds that after it approved Administrative Order 2018-02 on January 19, 2018, the provision in Section A, Subsection 1, Subparagraph C, which states "The beer or wine is discontinued", has caused confusion for licensees. The intention of the Commission at the time was that this would apply only to beer or wine

that is discontinued by a manufacturer licensee or Wholesaler licensee, not a retailer licensee.

After review and discussion of the issues at the meeting, the Commission finds that Administrative Order 2018-02 should be amended to include additional language to specify that a retailer licensee may request approval to sell beer and wine for less than the cost if the beer or wine discontinued by a manufacturer licensee or Wholesaler licensee.

THEREFORE, IT IS ORDERED that:

A. Section A, Subsection 1, Subparagraph C of Administrative Order 2018-02 shall be amended to state the following:

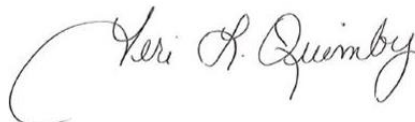
“The beer or wine is discontinued by a manufacturer licensee or Wholesaler licensee.”

B. All other provisions of Administrative Order 2018-02 remain in effect.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner