



STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

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ADMINISTRATIVE ORDER

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The Michigan Liquor Control Commission (Commission) has before it a certain matter involving a consumer sampling of spirits conducted by a Vendor of Spirits or a Manufacturer.

Section 1027 of the Liquor Control Code of 1998, being MCL 436.2027 (1) provides in part as follows"

“ . . . (3) A vendor of spirits or a manufacturer may conduct a consumer sampling event on the premises of a holder of a specially designated distributor license upon submission of a completed application to the commission. . . (6) The commission, by rule or issuance of an order, may further define eligibility for licensure and processes for conducting consumer sampling events. . . ”

The Commission has reviewed the applicable statutes and concludes that an order should be issued to clearly define eligibility for licensure and the process for conducting consumer spirit sampling events.

NOW, THEREFORE, PURSUANT TO SECTION 1027 (6) OF THE LIQUOR CONTROL CODE OF 1998, BEING MCL 436.2027 (6), IT IS THE ORDER OF THE COMMISSION THAT A VENDOR OF SPIRITS, MANUFACTURER OF SPIRITS, SMALL DISTILLER, OR BRANDY MANUFACTURER IS REQUIRED TO OBTAIN A CONSUMER SAMPLING EVENT LICENSE TO CONDUCT CONSUMER SPIRIT SAMPLING EVENTS AND MUST COMPLY WITH ALL THE FOLLOWING ELIGIBILITY REQUIREMENTS TO OBTAIN A CONSUMER SAMPLING EVENT LICENSE AND CONDUCT CONSUMER SAMPLINGS OF SPIRITS:

- (1) APPLY FOR A CONSUMER SAMPLING EVENT LICENSE ON FORMS APPROVED BY THE COMMISSION AND PAY THE \$70 INSPECTION FEE WHEN FILING THE APPLICATION.
- (2) NOTIFY THE COMMISSION A MINIMUM OF 10 WORKING DAYS PRIOR TO THE EVENT WITH THE DATE, TIME, AND LOCATION OF THE EVENT.
- (3) LIMIT THE CONSUMER SAMPLING EVENTS TO 3 EVENTS PER VENDOR OF SPIRITS OR MANUFACTURER PER SPECIALLY DESIGNATED DISTRIBUTOR PER MONTH.
- (4) PURCHASE ALL SPIRITS USED IN THE CONSUMER SAMPLING EVENT FROM THE SPECIALLY DESIGNATED DISTRIBUTOR ON WHOSE PREMISES THE EVENT IS LOCATED AT THE MINIMUM RETAIL SELLING

PRICE FIXED BY THE COMMISSION.

- (5) REMOVE ANY UNFINISHED OPENED SPIRITS FROM THE PREMISES UPON WHICH THE EVENT IS HELD UPON COMPLETION OF THE EVENT.
- (6) A VENDOR OF SPIRITS, MANUFACTURER OF SPIRITS, SMALL DISTILLER, OR BRANDY MANUFACTURER IS PROHIBITED FROM FURNISHING ANY SPIRIT PRODUCT TO A SPECIALLY DESIGNATED DISTRIBUTOR PARTICIPATING IN A CONSUMER SAMPLING EVENT.
- (7) A LICENSED SALESPERSON OR LICENSED VENDOR REPRESENTATIVE MUST CONDUCT THE SAMPLING EVENT AND MAINTAIN PROOF OF SUCCESSFUL COMPLETION OF A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 906 OF THE LIQUOR CONTROL CODE OF 1998, BEING MCL 436.1906, AND SHALL SHOW VERIFICATION OF SUCCESSFUL COMPLETION OF SERVER TRAINING UPON REQUEST OF THE SPECIALLY DESIGNATED DISTRIBUTOR LICENSEE, COMMISSION REPRESENTATIVE, OR LAW ENFORCEMENT OFFICER.
- (8) A LICENSED SALESPERSON OR LICENSED VENDOR REPRESENTATIVE MAY DISTRIBUTE BRAND-LOGOED MERCHANDISE TO CONSUMERS 21 YEARS OF AGE OR OLDER DURING CONSUMER SAMPLING EVENT NOT TO EXCEED \$100 IN VALUE DURING THE CONSUMER SAMPLING EVENT. NO ALCOHOLIC BEVERAGE PURCHASE MAY BE THE BASIS FOR DISTRIBUTING BRAND LOGOED MERCHANDISE TO CONSUMERS.
- (9) NO FEE OR ANY OTHER THING OF VALUE MAY BE GIVEN TO THE SPECIALLY DESIGNATED DISTRIBUTOR LICENSEE FOR PARTICIPATING IN THE CONSUMER SAMPLING EVENT.
- (10) EACH CONSUMER IS LIMITED TO 3 SAMPLES, WHICH TOTAL NO MORE THAN 1/3 OF AN OUNCE OF DISTILLED SPIRITS PER SERVING.
- (11) THE CONSUMER IS NOT CHARGED FOR AND DOES NOT PAY FOR ANY SAMPLE OF SPIRITS.
- (12) SAMPLES ARE NOT OFFERED TO, OR PERMITTED TO BE CONSUMED BY, ANY PERSON UNDER THE AGE OF 21.
- (13) ANY PROMOTION OF THE CONSUMER SAMPLING EVENT IN ANY TYPE OF MEDIA MUST BE PAID FOR BY THE CONSUMER SAMPLING EVENT LICENSEE AND MAY CONTAIN THE DATE, TIME, AND LOCATION OF THE EVENT IN ACCORDANCE WITH THE PROVISIONS OF RULE 436.1319.
- (14) ALL PERSONS ATTENDING THE CONSUMER SAMPLING EVENT ON BEHALF OF THE VENDOR OF SPIRITS OR MANUFACTURER THAT IS PROMOTING SPIRITS IN ANY MANNER MUST HOLD A VALID

SALESPERSON OR VENDOR REPRESENTATIVE LICENSE.

- (15) ALL VENDORS OF SPIRITS, MANUFACTURERS, AND SPECIALLY DESIGNATED DISTRIBUTORS PARTICIPATING IN CONSUMER SAMPLING EVENTS MUST COMPLY WITH THE ALL THE PROVISIONS OF THE LIQUOR CONTROL CODE AND COMMISSION RULES.
- (16) NO CONSUMER SAMPLING EVENTS SHALL BE ALLOWED WHERE THE SALE OF SPIRITS IS OTHERWISE PROHIBITED ON THE PREMISES AT WHICH THE EVENT IS CONDUCTED.
- (17) THE CONSUMER SAMPLING EVENT LICENSE WILL BE RENEWED BY THE PAYMENT OF \$70 BY THE VENDOR OF SPIRITS, MANUFACTURER OF SPIRITS, SMALL DISTILLER, OR BRANDY MANUFACTURER EVERY 3 YEARS ON THE SAME SCHEDULE AS THE VENDOR REPRESENTATIVES AND SALESPERSONS LICENSES WITH THE FIRST RENEWAL OF CONSUMER SAMPLING EVENT LICENSES EFFECTIVE MAY 1, 2011.

Dated: December 1, 2010

  
Nida R. Samona, Chairperson

  
Pat Gagliardi, Commissioner

  
Donald B. Weatherspoon, Commissioner