

MICHIGAN LIQUOR CONTROL COMMISSION

Frank A. Picard, Chairman  
Saginaw

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Frank A. Picard, Chairman  
Saginaw

V. F. Gormely, Newberry                      Dean Halford, Kalamazoo

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Tentative Rules and Regulations

Of The

Michigan Liquor Control Commission

Passed and now promulgated by virtue of the authority granted it under Act No. 64 of the Public Acts of 1933. These rules and regulations, passed by said Commission Thursday, May 11, 1933, have the force and effect of law, the same as the direct provisions incorporated in the Act itself.

Changes in these regulations will be announced, from time to time, as developments and experience make necessary.

May 15, 1933

Michigan Liquor Control Commission

Frank A. Picard, Chairman

MICHIGAN LIQUOR CONTROL COMMISSION  
TENTATIVE REGULATIONS

The rules and regulations promulgated here below have under the provisions of Act No. 64, P. A. of 1933, the force of law, and any violation or violations of any such rule or regulation is a violation of said law.

1. Before the Commission grants a license for the sale of beer and/or wine to hotels, such hotels shall furnish satisfactory evidence of having complied with all State and local requirements governing hotels.

2. Wherever the word "Licensee" or "person" occurs in these regulations, American citizenship is implied and such person shall be of the age of 21 years or over. A majority of the stockholders of a corporation must be citizens.

3. No licensee shall permit drunkards, gamblers or idlers to frequent and congregate upon the licensed premises or allow gambling or games of chance for gain, profane or indecent language or other unseemly conduct thereon.

4. Whenever any hotel shall have leased a portion of its premises, it shall not permit the sale of beer and/or wine by said lessee until said lessee shall have received a license for such premises.

5. All beer and/or wine manufactured either within or without the State of Michigan shall, before sale within this State be warehoused in a warehouse designated and licensed by the Commission, and the required Michigan revenue stamps shall have been affixed to the original package thereof.

6. Every manufacturer of beer and/or wine offered for sale within this state shall forthwith file with the said Commission its labels and other marks of identification.

7. Said Commission, its agents, representatives and employees shall have the right and authority to inspect and approve all plants of manufacturers and/or warehouses, including their property and equipment, and said Commission may insist upon such methods, changes and improvements thereon or therein as will, in its judgment, insure wholesome production and products.

8. The Commission reserves the right, power and authority to install such agents on the premises of any manufacturer or warehouseman of beer and/or wine as it may deem fit.

9. Vendors who habitually sell food and who obtain a license for the sale of beer and/or wine for consumption on the premises shall charge no less for such food than the prevailing prices in their various communities for food of a like nature sold by persons not licensed under this act.

10. No vendor, his or its agents, servants or employees shall serve or permit to be served any beer and/or wine over a bar or counter, directly to the consumer. It shall be unlawful for any vendor, his agents, servants or employees to serve beer and/or wine for consumption on the premises to any person unless said person is seated at a table, provided, however, that beer and/or wine may be served by any hotel licensed under the provisions of this act in the room of a bona-fide guest thereof.

11. No vendor, his or its employees, servants or agents shall give away any beer and/or wine of any kind or description at any time on his licensed premises, except the manufacturers of beer and/or wine for consumption on the premises.

12. No vendor, his or its employees, servants or agents shall give away food of any description with the sale of any beer and/or wine.

13. No manufacturer, warehouseman or wholesaler shall aid or assist any other vendor by gifts or loans of money or property of any description or other valuable things or by the giving of premiums or rebates and it shall be unlawful for any other vendor to accept same.

14. No licensee shall transfer or assign any license received from the Commission without the consent of the Commission in writing, nor sell such contract of license, nor use such license as collateral security for any debt or obligation.

15. All licenses shall be framed under glass and prominently displayed in full view on said licensed premises.

16. The sale of all beer and/or wine for consumption either on the premises or off shall be limited to the boundaries indicated and described in the application by which said license was received, and in the event of a removal of the said licensee from the premises to another location, the Commission shall first be notified and its consent given in writing.

17. No vendor by himself or his or its agents, servants or employees shall give, sell or offer for sale beer and/or wine to any person under the age of 18 years.

18. No person shall consume any beer and/or wine on the highway at any time.

19. For taxation purposes the Commission hereby defines an original package of beer and/or wine as contemplated under Section nine (9) of Act No. 64 of P. A. 1933 as follows:

- (a) In bulk; any container, other than bottles, including barrels, half barrels, quarter barrels and eighth barrels, the contents of which shall be computed on the basis of a 31 gallon barrel.
- (b) In bottles, cartons, cases or boxes, containing six (6) bottles, twelve (12) bottles, or twenty-four (24) bottles, the contents of which shall be computed on the basis of a 16 oz. bottle.

20. It shall be the duty of every vendor and/or consumer:

- (a) When the last bottle has been removed from any case or box in which said beer and/or wine was delivered to him or it, to

immediately destroy the State stamp affixed thereto by defacing the same.

- (b) When all the contents of any bulk container of beer and/or wine have been withdrawn to immediately destroy the State stamp affixed thereto by defacing the same.

21. Until further arrangements have been made the affixing of stamps will be the duty of the licensed warehouse, where said beer and/or wine is held; and no retailer shall sell or offer for sale any beer and/or wine, the original package of which does not bear the required State revenue stamp. No retailer may secure from any source any beer and/or wine that does not bear the required State revenue stamp. Any beer and/or wine not properly stamped found outside a licensed warehouse, and not in transit to its warehouse within the State of Michigan, shall be immediately confiscated, seized and destroyed by the Commission, its agents, representatives and/or employees.

22. No manufacturer shall ship any beer and/or wine into the State of Michigan in any container without first ascertaining that any Michigan tax stamp previously affixed to said container shall have been destroyed, and no Michigan manufacturer shall receive any such container into his licensed premises upon which any Michigan tax stamp has been affixed without destroying said stamp, if such stamp has not already been destroyed.

23. It shall be the duty of every warehouseman to confiscate for said Commission any beer and/or wine received in any container upon which uncanceled or undefaced Michigan State tax stamp is affixed.

24. No vendor shall accept an original package as herein defined without the State revenue tax stamp affixed thereto.

25. It shall be unlawful for any corporation, firm, partnership or individual to transport any beer and/or wine within the State of Michigan except in transit to a warehouse, unless the original package thereof bears the required Michigan revenue stamp, and the possession of any beer and/or wine not properly stamped shall be prima facie evidence of the violation of the provisions of Act No. 64 of P. A. 1933.

26. It shall be the duty of every licensee upon receipt of a contract of license and before affixing the same to his premises to sign the same on the line provided therefor. But failure to do so shall not release said licensee from any of the obligations incurred by his acceptance of said contract of license.

27. IT SHALL BE THE DUTY OF ALL LICENSEES UPON THE RECEIPT OF A CONTRACT OF LICENSE, TO FAMILIARIZE THEMSELVES THOROUGHLY WITH EVERY PROVISION OF ACT No. 64, P. A. 1933, AND OF ALL PUBLISHED RULES AND REGULATIONS OF THIS COMMISSION. IN CASE OF AN INFRACTION OF ANY OF THESE PROVISIONS ON THE PART OF THE LICENSEE SUCH ACT SHALL BE PRIMA FACIE EVIDENCE OF THE LICENSEE'S UNFITNESS TO HOLD THE LICENSE.

28. No vendor by himself, his servants, agents or employees shall sell or permit the sale of any beer and/or wine for consumption on the

premises between the hours of 2 o'clock A. M. and 7 o'clock A. M. Eastern Standard Time.

29. The Commission reserves to itself and its agents the right to revoke and/or suspend any and all licenses granted under and subject to the provisions of Act No. 64 of the P. A. of 1933. When a license has been revoked or suspended the Commission or its authorized agents of the Commission, shall notify all parties interested.

30. It shall be the duty of vendors of beer and/or wine to post a printed price list in a conspicuous place on the licensed premises and to furnish any purchaser with such printed price list if requested.

31. No holder of a license shall make any changes in or alterations to the signature or endorsements on such license, nor mutilate, tear or destroy the same.

32. The proof to be furnished as to the loss or destruction of a license shall be in the form of an affidavit and shall be sworn to before a Notary Public or other person authorized to subscribe on oath.

33. It shall be unlawful for any manufacturer of beer and/or wine, or any warehouseman or wholesaler to sell or deliver beer and/or wine to any home, private residence or apartment house.

34. No individual, corporation or partnership licensed as a manufacturer, warehouseman or wholesaler of beer and/or wine shall have any financial interest in any other individual corporation or partnership engaged in the manufacture of beer and/or wine in the State of Michigan.

35. No vendor shall knowingly use, nor allow the use of any mark or label on a bottle in which beer or wine is kept for sale which does not precisely and clearly indicate the nature of the contents of such bottle, or which might in any way confuse the purchaser as to the nature of the contents and its quality and quantity.

36. No manufacturer or other vendor shall sell or offer for sale as beer and/or wine within the meaning of Act No. 64 P. A. 1933, any beverage of alcoholic content of more than 3.2% by weight.

37. All beer and/or wine manufactured or sold in the State of Michigan shall be sufficiently stored and/or lagered or fermented as the case may be to carry out the intent and provisions of this act.

EXCERPT FROM ACT No. 64 OF THE PUBLIC ACTS OF 1933:

Sec. 12. Penalties. Any person violating the provisions of this act shall, upon conviction thereof for a first offense, be sentenced to pay a fine not to exceed five hundred dollars or to be imprisoned for a term not to exceed three months in the county jail located in the county where the offense was committed, or both, and upon conviction for a subsequent offense such person shall be sentenced to pay a fine not to exceed

one thousand dollars or to be imprisoned for a term not to exceed one year in the Michigan state reformatory at Ionia, or both. Any person so convicted, who is a resident of the upper peninsula, may be confined to the state house of correction and branch state prison in the upper peninsula. Violation by a corporation of this act shall be construed to mean violation by all of the officers of said corporation and the penalties hereby imposed shall be applicable to each such officer of the corporation.

It shall be unlawful to manufacture for sale, sell or keep for sale beer and/or wine as defined in this act without first having complied with all the provisions thereof, and any person who does manufacture for sale, sell or keep for sale any wine and/or beer without so complying, shall be deemed guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars or to be imprisoned for a term not to exceed two years or both; and upon a subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both.

Any person who shall falsely or fraudulently make, forge, alter or counterfeit any stamp or stamps prescribed by the commission under the provisions of this act or who shall cause or procure to be falsely or fraudulently made, forged, altered or counterfeited any such stamp or stamps, or who shall knowingly and wilfully utter, publish, pass or tender as true any false, altered, forged or counterfeited stamps prescribed by the commission under this act, or who shall knowingly possess any such false, altered, forged or counterfeited stamps, shall be deemed guilty of a felony and upon conviction shall be sentenced to pay a fine not to exceed one thousand dollars or to be imprisoned for a term not to exceed two years or both, and for a subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both.

Any member of said commission as provided in this act who shall be pecuniarily interested, directly or indirectly, in the manufacture, warehousing, sale, distribution or transportation of either beer or wine within the state of Michigan, shall be deemed guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both; and upon any subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed ten thousand dollars or to be imprisoned for a term not to exceed ten years or both.