

# Ask the Experts

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**Q** *“What’s new in the law for ‘The Year Ahead?’”*

**A** As of March 14, 2014, a restaurateur, under certain circumstances, may allow customers to bring in their own wine. Prior to the passage of House Bill 5046, the Liquor Code prohibited retail licensees, such as restaurants, from allowing the consumption of alcohol on its premises unless the alcohol was purchased from a source approved by the Michigan Liquor Control Commission (“Commission”) by the restaurant. Sources approved by the Commission include the Commission’s authorized agents or distributors. Therefore, prior to this legislation, restaurants could not allow customers to bring their own wine, or any other alcohol, into their establishments.



On March 14, 2014, the “Bring Your Own Wine” provision of the Liquor Code takes effect. A restaurant may, but is not required to, allow customers to bring in their own wine, under the following circumstances:

1. “Bring Your Own” applies only to wine, not beer or spirits.
2. The restaurateur may determine whether or not to allow a customer to bring their own wine into the establishment.
3. The customer’s wine must be in its original, sealed container.
4. The customer must be 21 years of age or older.
5. The wine brought in by the customer must be produced by a wine maker, a small wine maker, or an out-of state entity which is

the equivalent of a wine maker or small wine maker.

6. The restaurant cannot allow the customer to remove a partially consumed bottle of wine from the establishment, unless the cork is reinserted into the bottle so that it is flush with the lip of the bottle.
7. The restaurant may charge the customer a “corkage fee” for each bottle of wine opened by the restaurant’s employee. The restaurant may set the fee; there is no required amount.
8. There is no additional permit required by the Commission allowing customers to bring in their own wine.

We suggest the restaurateur establish a written policy regarding “Bring Your Own Wine.” The policy should be uniformly applied to all customers. Finally, staff should be advised of the policy and the requirements of the new law.