



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
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Mixed Spirit Drink Manufacturer Licensing Requirements & General Information

A Mixed Spirit Drink Manufacturer license, as defined by MCL 436.1109(8), is issued by the Commission to a person located in Michigan to manufacturer mixed spirit drink products. Pursuant to the Michigan Liquor Control Code, a Mixed Spirit Drink Manufacturer is treated as a wine maker under the administrative rules, but is subject to the rules applying to spirits manufacturing and labeling.

A Mixed Spirit Drink Manufacturer licensee may sell its mixed spirit drink products to licensed wholesalers for distribution to retailer licensees. A Mixed Spirit Drink Manufacturer may sell its mixed spirit drink products to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Distiller or Small Distiller licensee that also holds a Mixed Spirit Drink Manufacturer license may sell mixed spirit drink products it manufactures under its Mixed Spirit Drink Manufacturer license at a location where it holds an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

Mixed spirit drink is defined in MCL 436.1109(7) as:

- (a) A drink that contains 10% or less alcohol by volume consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials and that may also contain 1 or more of the following: (a) water; (b) fruit juices; (c) fruit adjuncts; (d) sugar; (e) carbon dioxide; (f) preservatives.
- (b) A drink that contains more than 10% and not more than 13.5% alcohol by volume, consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials and that may also contain 1 or more of the following: (a) water; (b) fruit juices; (c) fruit adjuncts; (d) sugar; (e) carbon dioxide; (f) preservatives. Products that meet this definition must be filled in a metal can that cannot be readily closed after opening and cannot exceed 24 ounces in liquid capacity (refer to the TTB standards of fill under [27 CFR 5.47a](#) for allowable container sizes for products containing distilled spirits).

How to Apply

All applicants requesting a new Mixed Spirit Drink Manufacturer license, seeking to transfer ownership of a Mixed Spirit Drink Manufacturer license, or transferring interest (stock or membership interest) in a Mixed Spirit Drink Manufacturer license must submit the following:

- **Application Form**

For a new Mixed Spirit Drink Manufacturer license or to transfer a Mixed Spirit Drink Manufacturer license - [Manufacturer License & Permit Application \(Form LCC-150\)](#)

To transfer interest in a Mixed Spirit Drink Manufacturer license – [License Interest Transfer Application \(Form LCC-101\)](#)

- **Inspection Fee** - A \$70.00 nonrefundable inspection fee is required for each license requested in an application. For example, if an applicant has requested a new Mixed Spirit Drink Manufacturer license in conjunction with a new Small Distiller license, the inspection fee would be \$140.00.
- **Local Approval** – If the applicant intends to sell mixed spirit drink products it manufactures under its Mixed Spirit Drink Manufacturer license in an approved tasting room located on the manufacturing premises under an On-Premises Tasting Room Permit, it must obtain the approval of the local legislative body of the local governmental unit where it will be licensed. The [Manufacturer License & Permit Application \(Form LCC-150\)](#) contains a Local Governmental Approval form (LCC-106a) that can be used by the local governmental unit to approve or disapprove the request for the On-Premises Tasting Room Permit. Local approval is not necessary for the Commission to consider approval and issuance of a Mixed Spirit Drink Manufacturer license when the applicant does not intend to sell its mixed spirit drink products to customers on the premises where it manufactures mixed spirit drink products and has not applied for an On-Premises Tasting Room Permit; however, applicants will still need to comply with any local ordinances specific to manufacturing operations.
- **License & Permit Fees** – The initial and annual renewal fee for a Mixed Spirit Drink Manufacturer license is \$100.00. Additional fees will vary based upon whether additional licenses and permits are requested in conjunction with a Mixed Spirit Drink Manufacturer license. If the Mixed Spirit Drink Manufacturer license applicant plans to sell its mixed spirit drink products at retail on its manufacturing premises in a tasting room, it must also apply for an On-Premises Tasting Room Permit, for which the initial and annual renewal fee is \$100.00.
- **Livescan Fingerprints** – Applicants that have never been licensed through the Michigan Liquor Control Commission must submit fingerprints through the Livescan fingerprinting process - [Livescan Fingerprint Background Request Form](#).
- **Property Document** – Applicants must provide documentation that demonstrates they will have control over the property that comprises the proposed licensed premises. Property documents include deeds, land contracts, and lease agreements.
 - A provision to reassign the license in the event of a default on a land contract or termination of a lease agreement may be included, but may only provide for the reassignment subject to Commission approval.

- If the applicant is a company and its members or stockholders own the real estate as individuals or under another company, a lease agreement is needed.
- If the applicant is an individual and he or she owns the real estate with a spouse or someone else who will not be named on the license, a lease between the applicant and the owners of the real estate is needed.
- **Federal Basic Permit** – Applicants must provide a copy of the federal Basic Permit for spirits manufacturing issued by the federal Alcohol and Tobacco Tax and Trade Bureau (TTB) prior to issuance of the Mixed Spirit Drink Manufacturer license. This not required to be submitted at the time of application with the Commission, but should be applied for through the TTB as soon as possible, as the TTB process may take longer to complete than the Michigan licensing process.
- **Purchase Agreement** – Applicants requesting to transfer a license from another licensee must submit an executed purchase agreement or other documentation signed by both the applicant and the current licensee, which details the sale of the liquor license(s) and other business assets.
 - Purchase agreements must specifically indicate that the liquor license is being sold and provide the purchase price and terms of the sale.
 - Purchasers of on-premises licenses must have at least 10% of the purchase price of the business, excluding real estate.
 - Purchase agreements that are not for cash only sales and include real estate must list the personal property, including the licenses, and real estate with the terms and price for each.
 - If the personal property and real estate are being purchased by separate people or entities, the purchase agreement must indicate those names and who is purchasing which items.
 - If the applicant will not pay the full purchase price at closing, the balance due may be covered by a security agreement or promissory note. Alcoholic beverage inventory cannot be included on a security agreement or promissory note.

In addition to the documents required by all applicants:

Corporations must submit the following information per Administrative Rule R 436.1109:

- Copy of current, filed Articles of Incorporation.
- Current Certificate of Good Standing from the state where incorporated and Certificate of Authority to Do Business in Michigan, if incorporated outside of this state.
- Certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

Limited Liability Companies (LLC) must submit the following information pursuant to Administrative Rule R 436.1110:

- Copy of Articles of Organization and copies of any amendments to the Articles of Organization.
- Current Certificate of Authority to Do Business in Michigan, if the LLC is a non-Michigan LLC.
- Copy of Operating Agreement entered into by members.
- Copy of most recent annual statement filed with the Corporations Division, if an existing LLC.
- Statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission (or Part 3 of Form LCC-301).
- [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)

Partnerships must submit the following information per Administrative Rule R 436.1111:

- Partnership Agreement, if a Limited Partnership.
 - [Report of Stockholders/Members/Partners \(Form LCC-301\)](#)
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Licensing Process

- The Licensing Division reviews the application and corresponding documents for completeness and verifies the appropriate fees have been received. If additional documents, fees, or corrections to documents are needed, Licensing will notify the applicant.
- Once all the necessary documents have been received Licensing will submit the request to the Enforcement Division for its investigation.
- The Enforcement Division will contact the applicant to schedule an interview with the applicant (and current licensee for license transfers). At this meeting an investigator will review with the applicant documents, including:
 - purchase agreement
 - financial documents
 - property documents
 - other items pertaining to the application
- After the interview, the investigator will prepare a report for the Commission regarding the investigation and submit the request back to Licensing for further processing.
- Licensing reviews the report from Enforcement and any additional documents received during the interview process. The request is prepared for the Commission to consider and placed on a docket for an upcoming licensing meeting.

- The Commission considers the request, including:
 - the liquor license operating history of the applicant (if a current or prior licensee)
 - the arrest and conviction record of the applicant
 - whether the applicant meets the requirements for a license
 - the applicant's financial information
 - opinions of the local legislative body or police department, if received.
 - The Commission will approve or deny the request based on these factors. Occasionally, the Commission will request more information from the applicant before making a final decision.
 - After the Commission makes a decision on the request, the file is returned to Licensing for final processing.
 - Approval orders are sent to the applicant requesting any final items before the issuance of the license.
 - Denial orders are sent to the applicant and the applicant may appeal the decision.
 - When all the final items are received by Licensing, the completed request is forwarded to the Renewal Unit for the issuance of the physical license documents.
 - Any changes in financial provisions at the time of closing which do not conform to the terms previously indicated and investigated may require submission of new forms and possible additional investigation.
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Permits, Permissions, and Authorizations

On-Premises Tasting Room Permit – This permit allows the Mixed Spirit Drink Manufacturer license to sell mixed spirit drink products it manufactures to customers for consumption on or off in an approved tasting room located on the manufacturing premises. If the licensee is also licensed to manufacture beer, wine, or spirits at the same location where it is licensed with a Mixed Spirit Drink Manufacturer license, it may also sell those products in the approved tasting room that is issued this permit.

A licensee issued an On-Premises Tasting Room Permit must maintain Proof of Financial Responsibility, or liquor liability insurance, as required by MCL 436.1536(7)(e) and MCL 436.1803 [see [Proof of Financial Responsibility form \(Form LC-95\)](#)], and must comply with the minimum [server training requirements](#) for retail sales as required by MCL 436.1535(7)(d) and MCL 436.1906.

On-Premises Tasting Room Permit limits for Mixed Spirit Drink Manufacturer licenses:

- A Mixed Spirit Drink Manufacturer licensee must manufacture mixed spirit drink products on the premises where they are sold in an On-Premises Tasting Room Permit location.
- May sell mixed spirit drink products for consumption off the premises.
- May sell and serve full size drinks.

- No size or number limit on tasting samples.
- May serve food or have a restaurant in conjunction with the On-Premises Tasting Room Permit.

Sunday Sales Permit (A.M.) - A permit that allows the sale of mixed spirit drink products on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.

Sunday Sales Permit (P.M.) - A permit that allows the sale of mixed spirit drink products on Sundays after 12:00 noon, if allowed by the local unit of government.

Specific Purpose Permit - A permit that allows specific types of activities (such as the service of food, sporting activities, meetings, etc.) to occur on the licensed premises outside the legal hours for the sale of alcohol. A specific purpose permit does not allow the sale of alcohol outside of the legal hours of sale.

Dance Permit - Allows dancing by patrons of a business with an on premises license. Often combined with an Entertainment Permit.

Entertainment Permit - Permits certain types of live entertainment at a business with an on premises license. An entertainment permit does not allow topless activity. Often combined with a Dance Permit.

Extended Hours Permit - A permit held in conjunction with a Dance or Entertainment Permit (or both) that allows dancing or entertainment on the licensed premises outside the legal hours for the sale of alcohol. An Extended Hours Permit does not allow the sale of alcohol outside of the legal hours of sale.

Catering Permit - Authorizes a holder of a Mixed Spirit Drink Manufacturer license to sell, deliver, and serve mixed spirit drink products in the original containers at private events. A licensee must have a food service establishment license or retail food establishment license to qualify for this permit.

Living Quarters Permit - Allows living quarters to be directly connected to the licensed premises.

Direct Connection permission - Allows connections from the licensed premises to unlicensed premises.

Outdoor Service authorization - Authorization granted by the Commission for a license to sell alcohol outdoors in an area controlled by the licensee. This can be a patio area next to the licensed premises or a space as large as a golf course

Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License

A Distiller or Small Distiller licensee that also holds a Mixed Spirit Drink Manufacturer license may sell mixed spirit drink products it manufactures under its Mixed Spirit Drink Manufacturer license at a location where it holds an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License. See the [Off-Premises Tasting Room License & Permit Application \(Form LCC-150a\)](#) or the [Joint Off-Premises Tasting Room License & Permit Application \(Form LCC-150b\)](#) for details on the requirements for off-premises tasting room licenses.

Churches & Schools

A new application to sell alcoholic beverages at retail under an On-Premises Tasting Room Permit, or a request to transfer location of an existing license that intends to sell alcoholic beverages under an On-Premises Tasting Room Permit, may be denied if the contemplated location is within 500 feet of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school does file an objection, the Commission shall hold a hearing before making a decision on the issuance of the license.

Michigan Department of Agriculture & Rural Development Requirements

Facilities that manufacture alcoholic products in Michigan must be licensed through the Michigan Department of Agriculture & Rural Development (MDARD) in addition to licensure through the Commission. You may contact MDARD regarding the licensing requirements for the type of establishment for which you are applying by calling, toll-free, 800-292-3939 or visiting www.michigan.gov/mdard.

Manufacturing & Labeling

Mixed spirit drink products must be manufactured, identified, and labeled in accordance with federal spirit regulations published in Code of Federal Regulations Title 27, part 19 and Title 27, part 5, pursuant to R 436.1707 and R 436.1708.

All mixed spirit drinks products sold in Michigan must have labels approved by the Commission prior to being sold. All mixed spirit drinks sold in Michigan must be labeled in accordance with TTB regulations. The Commission uses an on-line label registration process through the [Michigan Wholesale Product Registry \(MWPR\)](#), which requires prior registration with the TTB. Upon licensure, the applicant will be provided with a password and instructions to access the on-line registration site. There is no fee for Michigan label registration.

Mandatory label information, pursuant to TTB regulations:

- Brand name.
- Class, type or, in lieu of, a truthful & adequate statement of composition shall appear on the brand label of the product.
- Name and address of bottler or packer where bottled or packed.
- Net contents.
- Government Warning Statement.
- Alcohol content.

For federal labeling information contact the TTB at 866-927-2533 or www.ttb.gov.

Beverage Deposit & Container Law

Under Michigan's Beverage Containers Act (also known as the "Bottle Bill"), a dealer, meaning a person who sells beverage containers to consumers, cannot sell a consumer a beverage in a nonreturnable container. A "nonreturnable container" means a beverage container upon which no deposit has been paid. "Beverage" includes beer, ale, malt drink, mixed wine drink, or mixed spirit drink, in addition to nonalcoholic carbonated drinks. Thus, a licensee who sells products that fall within the definition of "beverage" in a container that does not exceed 1 gallon must collect a deposit of at least 10 cents during the sale. If a person returns a container to the licensee, the licensee generally must refund the deposit, even to a non-customer, as long as the licensee offers that brand for sale. For more information on the Bottle Bill, please contact the Michigan Department of Treasury's Miscellaneous Taxes and Fees Unit at 517-636-0515.

Mixed Spirit Drink Excise Tax Reports

Excise taxes apply to mixed spirit drink products. The Mixed Spirit Drink Manufacturer licensee shall pay the Michigan excise tax or may designate a wholesaler to pay the tax on its behalf for all mixed spirit drink products manufactured by that Mixed Spirit Drink Manufacturer licensee and sold in this state. A Mixed Spirit Drink Manufacturer licensee is required to submit a Michigan Mixed Spirit Drink Tax Report and Mixed Spirit Drink Manufacturer's Monthly Report of Sales no later than the 15th day after the end of each quarter (April 15, July 15, October 15, and January 15) regardless of whether a wholesaler has been designated to pay the taxes.

Mixed spirit drink products that are sold for consumption or to go in an approved tasting room or mixed spirit drink products self-distributed by the licensee to retailer licensees are subject to the excise tax and must be submitted by the Mixed Spirit Drink Manufacturer licensee regardless of whether a wholesaler has been designated to pay tax on wholesale shipments to retailers.

For further questions relating to the mixed spirit drink excise tax, please contact our Financial Management Division at: 517-284-6260. Tax forms and instructions may be located on the Commission website at: https://www.michigan.gov/lara/0,4601,7-154-89334_10570_14177_15067---,00.html.

Sales to Wholesalers

All sales must be made through licensed wholesalers (except retail sales to customers at an approved tasting room with an On-Premises Tasting Room Permit, Off-Premises Tasting Room license, or Joint Off-Premises Tasting Room license as allowed under MCL 436.1536).

A Mixed Spirit Drink Manufacturer licensee must grant each of its wholesalers an exclusive sales territory. A Mixed Spirit Drink Manufacturer licensee must enter into a written agreement each of the wholesalers specifying the brand or brands to be distributed and the territory where exclusive sales are granted. There can be no overlapping of sales territories between wholesalers of similar brands.

There is no prohibition against offering wholesalers quantity discounts as long as the discounts are uniformly offered to all wholesalers. The Liquor Control Code requires the sale and purchase of all alcoholic beverages to be for cash only, at the time of delivery to wholesalers.

Self-Distribution of Mixed Spirit Drink Products

- A Mixed Spirit Drink Manufacturer licensee may self-distribute mixed spirit drink products that it manufactures to retailer licensees in Michigan if it does not sell more than 31,000 gallons of mixed spirit drink in a calendar year.
- The mixed spirit drink products must conform to the bottle deposit requirements of [1976 IL 1, MCL 445.571 to 445.576, commonly referred to as the "Bottle Bill"](#), as applicable.
- The licensee must register the mixed spirit drink products on the [Michigan Wholesale Product Registry \(MWPR\)](#) and [must report and pay the applicable taxes on the products sold](#).
- The licensee cannot self-distribute to retailer licensees in a sales territory where it has granted exclusive rights to a Wholesaler licensee for the sale of any brand or brands of mixed spirit drink.
- The deliveries must be made by the licensee's own employees. The employees must be individually licensed with a Salesperson license, unless otherwise exempt under the law. Please visit the [Salesperson License Information webpage](#) on the MLCC website for more details on Salesperson license requirements.

- The deliveries must be made in vehicles owned by the licensee. These vehicles must have been issued a delivery vehicle decal by the MLCC. The licensee may apply for vehicle decals using the [Delivery Vehicle Decal Application \(LCC-351\)](#).
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Salesperson Licenses

Any person employed by a Mixed Spirit Drink Manufacturer licensee to sell, deliver, promote, or otherwise assist in the sale of alcoholic liquor in this state is required to hold a Salesperson license issued by the Commission. Employees who work exclusively at the brewery premises and have no contact with wholesalers, retailers, or consumers off the licensed premises do not need a Salesperson license. Salesperson licensees must be at least 18 years of age and are prohibited from being employed by a retailer-tier licensee on a paid or any other basis. For more details on Salesperson licensee requirements and exceptions to the requirements for certain employees please visit the Commission's webpage for Salesperson licensing information: https://www.michigan.gov/lara/0,4601,7-154-89334_10570_16941-456243--,00.html.

Record Retention and Inspection of Premises and Records

All licensees are required to maintain all sales, purchase, and Salesperson licensee expense records for a minimum of four years. Records may be maintained electronically or otherwise as long as a hard copy of the record can be created upon demand.

A licensee must make the licensed premises available for inspection and search by a Commission Investigator or any law enforcement officer empowered to enforce the Commission's rules and code during regular business hours or when the premises is occupied. The Commission or its duly authorized agent may examine the books, records, or papers of a licensee.