



BOARD OF TRUSTEES

Executive Action Summary

Committee Name Academic Affairs

Date August 16, 2023

Agenda Item: Revision to Ordinance 21.00, *Alcoholic Beverages*, and authorization to apply for certain liquor licenses

Information

Discussion

Action

Resolution:

BE IT RESOLVED, that the Michigan State University Board of Trustees hereby amends University Ordinance 21.00, *Alcoholic Beverages*, as shown in Exhibit A hereto attached;

BE IT FURTHER RESOLVED, the Board of Trustees authorizes the administration to submit to the Michigan Liquor Control Commission Class C or Tavern license applications for the following locations:

- | | |
|--|---|
| Spartan Stadium | (325 W. Shaw Lane, East Lansing, MI 48824) |
| Breslin Student Events Center | (534 Birch Rd., East Lansing, MI 48824) |
| Munn Ice Arena | (509 Birch Rd., East Lansing, MI 48824) |
| Old College Field (DeMartin Soccer Stadium,
Secchia Stadium, and McLane Baseball Stadium) | (261 Kalamazoo St., East Lansing, MI 48824) |

BE IT FURTHER RESOLVED, the Board of Trustees authorizes the administration to apply for other attendant permits or licenses as may be necessary to facilitate the sale of alcohol at the locations specified above;

BE IT FURTHER RESOLVED, the Board of Trustees authorizes the administration to apply to the Michigan Liquor Control Commission for special licenses as may be necessary to permit alcohol sales at Spartan Stadium on the following dates:

- September 16, 2023
- September 23, 2023
- October 21, 2023
- November 4, 2023

BE IT FINALLY RESOLVED, the Board of Trustees authorizes the administration to apply for other special licenses as may be necessary to sell alcohol in support of events and activities that occur on lands governed or controlled by the board, as permitted under Ordinance 21.00 and guidelines issued by the Secretary and Chief of Staff to the Board of Trustees. This authorization shall apply prospectively unless otherwise amended or revoked by the board.

Recommendation:

The Trustee Committee on Academic Affairs recommends that the Board of Trustees adopts the proposed revisions to Ordinance 21.00 and authorizes the administration to apply to the Michigan Liquor Control Commission (MLCC) for the referenced types of liquor licenses.

Prior Action by BOT:

The amendment history for Ordinance 21.00 is outlined in Exhibit A.

Responsible Officers:

Senior Vice President for Student Life and Engagement

Vice President and Director of Intercollegiate Athletics

Summary:

Ordinance 21.00 is being revised to remove restrictive language regarding the consumption and possession of alcoholic beverages at Spartan Stadium, the arena and concourses at the Breslin center, and in other athletics facilities. A technical revision to 21.04 clarifies the existing scope of the guidelines issued by the Secretary and Chief of Staff to the Board related to this Ordinance.

The resolution also authorizes the administration to apply to the MLCC for both:

- (1) Class C or Tavern licenses at Spartan Stadium, the Breslin Student Events Center, Munn Ice Arena, and three facilities within the Old College Field complex; and
- (2) Special licenses (if necessary) to sell alcohol at Spartan Stadium on four specified dates during Fall semester. The four dates relate to the MSU home football games against the University of Washington, the University of Maryland, the University of Michigan, and the University of Nebraska.

Finally, the resolution authorizes the administration to apply for other special licenses on behalf of the board to support various other campus events and activities. This authority aligns with past practice with respect to applying to MLCC for special licenses where a specific board resolution has not otherwise been required.

Background Information:

On July 18, 2023, Governor Whitmer signed bipartisan legislation (Senate Bill 247) permitting the issuance of liquor licenses to athletics venues at public universities. The prior statutory prohibition, and language in Ordinance 21.02 that reaffirmed the statutory language, prevented public universities in Michigan State University (MSU) from selling alcohol at athletics venues on campus. MSU is one of only four Big Ten universities to have a complete prohibition on alcohol sales during all athletics events.

Data also suggests that allowing guests to purchase alcohol during an athletic event may reduce binge drinking and alcohol-related incidents at peer institutions and others, contributing to an improved fan experience.

The resolution provides authority for the administration to apply for ongoing liquor licenses and special licenses. Related to Spartan Stadium, the intent is to begin alcohol sales at the September 16, 2023, home football game. The sale of alcohol at Spartan Stadium and other athletics facilities is dependent upon MLCC approval. The University administration will communicate further updates to the campus and community on the timing and parameters around alcohol sales at athletics facilities, including through updating the guidelines which accompany the Ordinance.

Source of Funds:

Revenue distribution from sales will be based on net income after expenses, including covering one-time costs. Revenue sharing will occur between Student Life and Engagement, University Health and Wellbeing, and MSU Athletics. A portion of the net revenue will be dedicated toward health promotion.

Resource Impact:

The university anticipates one-time start-up costs to begin alcohol sales, including the purchasing of equipment, licensing fees, and the hiring of additional staff to support increased health promotions and substance use and recovery initiatives. Over time, revenue is expected to offset expenses.

21.00 Alcoholic Beverages

21.01 Use or possession permitted

21.02 * Use or possession prohibited

21.03 Open containers prohibited

21.04 Exceptions

.01 The use or possession of alcoholic beverages, including beer and wine, subject to state law, is permissible in housing facilities (rooms, suites, and apartments) assigned by Michigan State University.

.02 The consumption and possession of alcoholic beverages is prohibited ~~(a) in classrooms, lecture halls, laboratories, the libraries, and the chapel, and (b) during all intercollegiate athletic contests and during entertainment programs that are open to the general public, in the concourses and outdoor seating areas at Spartan Stadium, the arena and concourses at Breslin Student Events Center, and in all other athletic facilities.~~

.03 The possession of open or uncapped containers of alcoholic beverages and the consumption of alcoholic beverages is prohibited in all public areas of lands governed by the Michigan State University Board of Trustees and in all public areas of campus buildings, except with respect to locations, events, or occasions for which the Secretary of the Board of Trustees has approved, in writing, an exception to this prohibition.

.04 Exceptions to this ordinance and the administration of licenses held by the Board will be made pursuant to guidelines approved by the Secretary of the Board of Trustees.

Enacted: September 15, 1964

Amended: April 17, 1970

Amended: December 10, 1994

Amended: April 14, 1995

Amended: November 14, 2003

Amended: February 11, 2005

Amended: September 16, 2005

Amended: April 22, 2014

Amended: August xx, 2023

* Denotes Civil Infraction