

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1181

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 610d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 610D. (1) THERE MUST NOT BE COOPERATIVE ADVERTISING:

2 (A) BETWEEN A MANUFACTURER, AN OUTSTATE SELLER OF BEER, AN
3 OUTSTATE SELLER OF WINE, AND A RETAILER.

4 (B) BETWEEN A WHOLESALER AND A RETAILER.

5 (C) BETWEEN A MANUFACTURER, AN OUTSTATE SELLER OF BEER, AN
6 OUTSTATE SELLER OF WINE, AND A WHOLESALER.

7 (2) A MANUFACTURER, AN OUTSTATE SELLER OF BEER, OR AN OUTSTATE
8 SELLER OF WINE MAY DO ANY OF THE FOLLOWING:

9 (A) PAY ANY PORTION OF THE COST OF PAINTING A TRUCK OF A
10 WHOLESALER.

1 (B) SUPPLY A BRAND LOGOED DECAL OR ADVERTISING MAT, OR BOTH,
2 TO A WHOLESALER WITHOUT COST.

3 (C) USE THE NAME OR LOGO OF THE WHOLESALER OF THE OUTSTATE
4 SELLER OF BEER OR OUTSTATE SELLER OF WINE IN THE ADVERTISING OF THE
5 OUTSTATE SELLER OF BEER OR OUTSTATE SELLER OF WINE.

6 (3) THE NAME OF A RETAILER MUST NOT APPEAR IN THE ADVERTISING
7 OF A MANUFACTURER, AN OUTSTATE SELLER OF BEER, AN OUTSTATE SELLER
8 OF WINE, OR A WHOLESALER.

9 (4) A RETAILER MAY OFFER CONSUMERS INSTANT REBATE COUPONS FOR
10 USE WITH ALCOHOLIC LIQUOR PURCHASES. AN INSTANT REBATE COUPON
11 ISSUED UNDER THIS SUBSECTION MUST COMPLY WITH ALL OF THE FOLLOWING:

12 (A) A RETAILER SHALL ONLY ISSUE COUPONS THAT STATE A SPECIFIC
13 EXPIRATION DATE AND SPECIFIC CASH REFUND VALUE ON THE COUPONS.

14 (B) A RETAILER SHALL NOT ISSUE COUPONS THAT MAKE ANY ALCOHOLIC
15 LIQUOR FREE. FOR SPIRITS, THE RETAILER SHALL ONLY ISSUE COUPONS
16 WHERE THE SPECIFIC CASH REFUND AMOUNT DOES NOT EXCEED 35% OF THIS
17 STATE'S MINIMUM SHELF PRICE FOR THE PRODUCTS PURCHASED AND DOES NOT
18 REDUCE THE RETAIL PRICE OF ANY PRODUCT BELOW \$2.00 A BOTTLE.

19 (C) A RETAILER MAY ISSUE COUPONS THAT CAN BE APPLIED TO MORE
20 THAN 1 SPECIFIC PRODUCT FROM A MANUFACTURER, BUT MUST STATE THE
21 MANUFACTURER TO WHICH THEY APPLY.

22 (D) A RETAILER SHALL ISSUE COUPONS THAT REQUIRE THE RETAIL
23 CUSTOMER TO PURCHASE AT LEAST 1 PRODUCT OF ALCOHOLIC LIQUOR TO
24 REDEEM A COUPON. A RETAILER MAY ISSUE COUPONS THAT REQUIRE THE
25 RETAIL CUSTOMER TO PURCHASE 2 OR MORE ALCOHOLIC LIQUOR PRODUCTS
26 FROM THE SAME MANUFACTURER TO REDEEM THE COUPON.

27 (E) FOR SPIRITS, A RETAILER SHALL ONLY ISSUE COUPONS FOR THE

1 375 MILLILITERS OR LARGER SIZE BOTTLES.

2 (F) A SUPPLIER OR WHOLESALER OF BEER OR WINE SHALL NOT PAY FOR
3 OR PARTICIPATE IN THE OFFERING OF AN INSTANT REBATE COUPON.

4 (5) AS USED IN THIS SECTION, "COOPERATIVE ADVERTISING" MEANS A
5 JOINTLY FUNDED EFFORT BETWEEN LICENSEES OR BETWEEN VENDORS OF
6 SPIRITS.