

HOUSE BILL No. 5905

June 9, 1992, Introduced by Rep. Gnodtke and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 1 of the Initiated Law of 1976, as amended by Act No. 93 of the Public Acts of 1989, being section 445.571 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of the Initiated Law of 1976, as
2 amended by Act No. 93 of the Public Acts of 1989, being section
3 445.571 of the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 1. As used in this act:

6 (a) "Beverage" means a soft drink, soda water, carbonated
7 natural or mineral water, or other nonalcoholic carbonated drink;
8 beer, ale, or other malt drink of whatever alcoholic content; or
9 a mixed wine drink or a mixed spirit drink. BEVERAGE DOES NOT
10 INCLUDE CARBONATED 100% FRUIT JUICE.

1 (b) "Beverage container" means an airtight metal, glass,
2 paper, or plastic container, or a container composed of a
3 combination of these materials, which, at the time of sale, con-
4 tains 1 gallon or less of a beverage.

5 (c) "Empty returnable container" means a beverage container
6 which contains nothing except the residue of its original
7 contents.

8 (d) "Returnable container" means a beverage container upon
9 which a deposit of at least 10 cents has been paid, or is
10 required to be paid upon the removal of the BEVERAGE container
11 from the sale or consumption area, and for which a refund of at
12 least 10 cents in cash is payable by every dealer or distributor
13 in this state of that beverage in beverage containers, as further
14 provided in section 2.

15 (e) "Nonreturnable container" means a beverage container
16 upon which no deposit or a deposit of less than 10 cents has been
17 paid, or is required to be paid upon the removal of the BEVERAGE
18 container from the sale or consumption area, or for which no cash
19 refund or a refund of less than 10 cents is payable by a dealer
20 or distributor in this state of that beverage in beverage con-
21 tainers, as further provided in section 2.

22 (f) "Person" means an individual, partnership, corporation,
23 association, or other legal entity.

24 (g) "Dealer" means a person who sells or offers for sale to
25 consumers within this state a beverage in a beverage container,
26 including an operator of a vending machine containing a beverage
27 in a beverage container.

1 (h) "Operator of a vending machine" means equally its owner,
2 the person who refills it, and the owner or lessee of the prop-
3 erty upon which it is located.

4 (i) "Distributor" means a person who sells beverages in bev-
5 erage containers to a dealer within this state, and includes a
6 manufacturer who engages in such sales.

7 (j) "Manufacturer" means a person who bottles, cans, or oth-
8 erwise places beverages in beverage containers for sale to dis-
9 tributors, dealers, or consumers.

10 (k) "Within this state" means within the exterior limits of
11 the state of Michigan, and includes the territory within these
12 limits owned by or ceded to the United States of America.

13 (l) "Commission" means the Michigan liquor control commis-
14 sion CREATED IN SECTION 5 OF ACT NO. 8 OF THE PUBLIC ACTS OF THE
15 EXTRA SESSION OF 1933, BEING SECTION 436.5 OF THE MICHIGAN
16 COMPILED LAWS.

17 (m) "Sale or consumption area" means the premises within the
18 property of the dealer or of the dealer's lessor where the sale
19 is made, within which beverages in returnable containers may be
20 consumed without payment of a deposit, and, upon removing a bev-
21 erage container from which, the ~~-customer-~~ CONSUMER is required
22 by the dealer to pay the deposit.

23 (n) "Nonrefillable container" means a returnable container
24 which is not intended to be refilled for sale by a manufacturer.

25 (o) "Mixed wine drink" means a drink or similar product
26 marketed as a wine cooler and containing less than 7% alcohol by

1 volume, consisting of wine and plain, sparkling, or carbonated
2 water and containing any 1 or more of the following:

- 3 (i) Nonalcoholic beverages.
- 4 (ii) Flavoring.
- 5 (iii) Coloring materials.
- 6 (iv) Fruit juices.
- 7 (v) Fruit adjuncts.
- 8 (vi) Sugar.
- 9 (vii) Carbon dioxide.
- 10 (viii) Preservatives.
- 11 (p) "Mixed spirit drink" means a drink containing 10% or
12 less alcohol by volume consisting of distilled spirits mixed with
13 nonalcoholic beverages or flavoring or coloring materials and
14 which may also contain water, fruit juices, fruit adjuncts,
15 sugar, carbon dioxide, or preservatives; or any spirits based
16 beverage, regardless of the percent of alcohol by volume, that is
17 manufactured for sale in a metal BEVERAGE container.