



# HOUSE BILL No. 5641

June 14, 1994 Introduced by Rep Rivers and referred to the Committee on Conservation Environment and Great Lakes

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  
3 section 445 571 of the Michigan Compiled Laws, is amended to read  
4 as follows

5 Sec 1 As used in this act

6 (a) "Beverage" means ANY DRINK AND INCLUDES, BUT IS NOT  
7 LIMITED TO, a soft drink, soda water, carbonated natural or min-  
8 eral water, or other nonalcoholic carbonated drink, A NONALCO-  
9 HOLIC NONCARBONATED DRINK beer, ale, or other malt drink of  
10 whatever alcoholic content or a mixed wine drink or a mixed  
11 spirit drink

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

5 (c) 'Empty returnable container" means a beverage container  
6 ~~which~~ THAT 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 THE MICHIGAN LIQUOR CONTROL ACT, ACT  
15 NO 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING  
16 SECTION 436 5 OF THE MICHIGAN 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~~ THAT is not intended to be refilled for sale by a  
25 manufacturer

26 (o) "Mixed wine drink' means a drink or similar product  
27 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

18 Section 2 This amendatory act shall take effect January 1,  
19 1995