

HOUSE BILL No. 4709

May 9, 2013, Introduced by Reps. Cotter, MacGregor, Kelly, Pscholka, Heise, Haines, Howrylak, Switalski, Geiss, Rendon, Irwin, VerHeulen and Olumba and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 109 (MCL 436.1109), as amended by 2010 PA 213.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) "Manufacturer" means a person engaged in the
2 manufacture of alcoholic liquor, including, but not limited to, a
3 distiller, a rectifier, a wine maker, and a brewer.

4 (2) "Master distributor" means a wholesaler ~~who~~**THAT** acts in
5 the same or similar capacity as a brewer, wine maker, outstate
6 seller of wine, or outstate seller of beer for a brand or brands of
7 beer or wine to other wholesalers on a regular basis in the normal
8 course of business.

9 (3) "Micro brewer" means a brewer that produces in total less
10 than ~~30,000~~**60,000** barrels of beer per year and that may sell the
11 beer produced to consumers at the licensed brewery premises for

1 consumption on or off the licensed brewery premises. In determining
2 the ~~30,000-barrel~~ **60,000-BARREL** threshold, all brands and labels of
3 a brewer, whether brewed in this state or outside this state, shall
4 be combined and all facilities for the production of beer that are
5 owned or controlled by the same person shall be treated as a single
6 facility.

7 (4) "Minor" means ~~a person~~ **AN INDIVIDUAL** less than 21 years of
8 age.

9 (5) "Mixed spirit drink" means a drink produced and packaged
10 or sold by a mixed spirit drink manufacturer or an outstate seller
11 of mixed spirit drink ~~which~~ **THAT** contains 10% or less alcohol by
12 volume consisting of ~~distilled~~ spirits mixed with nonalcoholic
13 beverages or flavoring or coloring materials and ~~which~~ **THAT** may
14 also contain 1 or more of the following:

15 (a) Water.

16 (b) Fruit juices.

17 (c) Fruit adjuncts.

18 (d) Sugar.

19 (e) Carbon dioxide.

20 (f) Preservatives.

21 (6) "Mixed spirit drink manufacturer" means any person
22 licensed under this act to manufacture mixed spirit drink in this
23 state and to sell mixed spirit drink to a wholesaler. For purposes
24 of rules promulgated by the commission, a mixed spirit drink
25 manufacturer shall be treated as a wine manufacturer but is subject
26 to the rules applicable to spirits for ~~purposes of~~ manufacturing
27 and labeling.

1 (7) "Mixed wine drink" means a drink or similar product
2 marketed as a wine cooler ~~and containing~~ **THAT CONTAINS** less than 7%
3 alcohol by volume, ~~consisting~~ **CONSISTS** of wine and plain,
4 sparkling, or carbonated water, and ~~containing~~ **CONTAINS** any 1 or
5 more of the following:

6 (a) Nonalcoholic beverages.

7 (b) Flavoring.

8 (c) Coloring materials.

9 (d) Fruit juices.

10 (e) Fruit adjuncts.

11 (f) Sugar.

12 (g) Carbon dioxide.

13 (h) Preservatives.

14 (8) "Outstate seller of beer" means a person licensed by the
15 commission to sell beer ~~which~~ **THAT** has not been manufactured in
16 this state to a wholesaler in this state in accordance with rules
17 promulgated by the commission.

18 (9) "Outstate seller of mixed spirit drink" means a person
19 licensed by the commission to sell mixed spirit drink ~~which~~ **THAT**
20 has not been manufactured in this state to a wholesaler in this
21 state in accordance with rules promulgated by the commission. For
22 purposes of rules promulgated by the commission, an outstate seller
23 of mixed spirit drink shall be treated as an outstate seller of
24 wine but is subject to the rules applicable to spirits for ~~purposes~~
25 ~~of~~ manufacturing and labeling.

26 (10) "Outstate seller of wine" means a person licensed by the
27 commission to sell wine ~~which~~ **THAT** has not been manufactured in

1 this state to a wholesaler in this state in accordance with rules
2 promulgated by the commission and to sell sacramental wine as
3 provided in section 301.