

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4709

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

1 than ~~30,000~~**60,000** barrels of beer per year and that may sell the  
 2 beer produced to consumers at the licensed brewery premises for  
 3 consumption on or off the licensed brewery premises **AND TO**  
 4 **RETAILERS AS PROVIDED IN SECTION 203.** In determining the ~~30,000~~  
 5 ~~barrel~~**60,000-BARREL** threshold, all brands and labels of a brewer,  
 6 whether brewed in this state or outside this state, shall be  
 7 combined and all facilities for the production of beer that are  
 8 owned or controlled by the same person shall be treated as a single  
 9 facility.

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

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

- 18 (a) Water.
- 19 (b) Fruit juices.
- 20 (c) Fruit adjuncts.
- 21 (d) Sugar.
- 22 (e) Carbon dioxide.
- 23 (f) Preservatives.

24 (6) "Mixed spirit drink manufacturer" means any person  
 25 licensed under this act to manufacture mixed spirit drink in this  
 26 state and to sell mixed spirit drink to a wholesaler. For purposes  
 27 of rules promulgated by the commission, a mixed spirit drink

1 manufacturer shall be treated as a wine manufacturer but is subject  
2 to the rules applicable to spirits for ~~purposes of~~ manufacturing  
3 and labeling.

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

9 (a) Nonalcoholic beverages.

10 (b) Flavoring.

11 (c) Coloring materials.

12 (d) Fruit juices.

13 (e) Fruit adjuncts.

14 (f) Sugar.

15 (g) Carbon dioxide.

16 (h) Preservatives.

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

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

1 ~~of~~-manufacturing and labeling.

2 (10) "Outstate seller of wine" means a person licensed by the  
3 commission to sell wine ~~which~~**THAT** has not been manufactured in  
4 this state to a wholesaler in this state in accordance with rules  
5 promulgated by the commission and to sell sacramental wine as  
6 provided in section 301.

7 Enacting section 1. This amendatory act does not take effect  
8 unless all of the following bills of the 97th Legislature are  
9 enacted into law:

- 10 (a) Senate Bill No. 504.
- 11 (b) Senate Bill No. 505.
- 12 (c) Senate Bill No. 506.
- 13 (d) Senate Bill No. 507.
- 14 (e) Senate Bill No. 650.
- 15 (f) House Bill No. 4710.
- 16 (g) House Bill No. 4711.