

SENATE BILL No. 505

September 17, 2013, Introduced by Senator HUNE 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 609 (MCL 436.1609), as amended by 2010 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 609. (1) Except as provided in **SUBSECTIONS (2) AND (3)**
2 **AND** sections 605 and 1029, a manufacturer, mixed spirit drink
3 manufacturer, warehouse, wholesaler, outstate seller of beer,
4 outstate seller of wine, outstate seller of mixed spirit drink, or
5 vendor of spirits shall not aid or assist any other vendor by gift,
6 loan of money or property of any description, or other valuable
7 thing, or by the giving of premiums or rebates, and a vendor shall
8 not accept the same. However, if manufacturers of spirits reduce
9 the price of their products, the manufacturer of spirits may refund
10 the amount of the price reductions to specially designated

1 distributor licensees in a manner prescribed by the commission.

2 (2) A MANUFACTURER, MIXED SPIRIT DRINK MANUFACTURER,
3 WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF
4 WINE, OUTSTATE SELLER OF MIXED SPIRIT DRINK, OR VENDOR OF SPIRITS
5 MAY, IN A MANNER CONSISTENT WITH RULES, REGULATIONS, AND ORDERS
6 MADE BY THE COMMISSION, PROVIDE ANOTHER LICENSEE WITH ADVERTISING
7 ITEMS THAT PROMOTE THE BRANDS AND PRICES OF ALCOHOLIC LIQUOR
8 PRODUCED BY THE MANUFACTURER, SOLD BY THE OUTSTATE SELLER OF BEER,
9 THE OUTSTATE SELLER OF WINE, OR THE OUTSTATE SELLER OF MIXED SPIRIT
10 DRINK, OR DISTRIBUTED BY THE WHOLESALER. EXCEPT AS OTHERWISE
11 PROVIDED UNDER SUBSECTION (3), THE ADVERTISING ITEMS SHALL NOT HAVE
12 ANY USE OR VALUE BEYOND THE ACTUAL ADVERTISING OF BRANDS AND PRICES
13 OF THE ALCOHOLIC LIQUOR AND SHALL ONLY BE PROVIDED FOR USE AT THE
14 LICENSED PREMISES.

15 (3) A MANUFACTURER, MIXED SPIRIT DRINK MANUFACTURER,
16 WAREHOUSER, WHOLESALER, OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF
17 WINE, OUTSTATE SELLER OF MIXED SPIRIT DRINK, OR VENDOR OF SPIRITS
18 MAY PROVIDE GOODS AND SERVICES TO ANOTHER LICENSEE THAT WERE
19 APPROVED BY THE COMMISSION PURSUANT TO RULES, REGULATIONS, OR
20 ORDERS ADOPTED PRIOR TO JANUARY 1, 2013. A RULE, REGULATION, OR
21 ORDER ADOPTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
22 ADDED THIS SUBSECTION THAT IS NOT CONSISTENT WITH THIS SECTION OR
23 IS IN CONFLICT WITH THIS SECTION IS VOID AND UNENFORCEABLE.

24 (4) AS USED IN THIS SECTION, "OTHER VALUABLE THING" SHALL MEAN
25 ANY GOODS, SERVICES, OR INTANGIBLE GOODS THAT ARE PROVIDED TO
26 ANOTHER LICENSEE THAT HAVE VALUE REGARDLESS OF WHETHER THE VALUE IS
27 NOMINAL AND INCLUDES, BUT IS NOT LIMITED TO, GOODS, SERVICES, OR

1 INTANGIBLE GOODS THAT PROVIDE ANY BENEFIT, REGARDLESS OF HOW
2 NOMINAL, TO THE LICENSEE OTHER THAN ADVERTISING THE BRANDS AND
3 PRICES OF ALCOHOLIC LIQUOR PRODUCED BY THE MANUFACTURER, SOLD BY
4 THE OUTSTATE SELLER OF BEER, THE OUTSTATE SELLER OF WINE, OR THE
5 OUTSTATE SELLER OF MIXED SPIRIT DRINK, OR DISTRIBUTED BY THE
6 WHOLESALE.