

Act No. 106
Public Acts of 2016
Approved by the Governor
May 3, 2016
Filed with the Secretary of State
May 3, 2016
EFFECTIVE DATE: August 1, 2016

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Reps. Kesto, Franz, Iden, McCready, Schor, Garcia, Hughes, Cox, Lucido, Tedder, Crawford, Yonker, Brett Roberts, Kelly, Clemente, Dianda, Sheppard, Runestad, Webber, Chirkun, Lauwers, Kosowski, Singh and Jacobsen

ENROLLED HOUSE BILL No. 5257

AN ACT to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” (MCL 436.1101 to 436.2303) by adding section 610.

The People of the State of Michigan enact:

Sec. 610. (1) Notwithstanding section 609, a wholesaler, manufacturer, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, vendor of spirits, broker, or retailer may use unpaid social media to advertise any of the following in accordance with all applicable laws and regulations:

- (a) An on-premises brand promotion.
- (b) Beer, wine, or spirits tastings under section 537.
- (c) A product location communication.
- (2) As used in this section:

- (a) “Broker” means that term as defined in section 609.
- (b) “On-premises brand promotion” means a promotion in the manner provided by the order of the commission issued on October 27, 1999. That order’s prohibition against advertising an on-premises promotion by a party off the licensed premises does not apply to this section.
- (c) “Product location communication” means a listing or program that allows an individual to determine the availability of a specific product at licensed retailers in a certain geographic area.

(d) "Social media" means a service, platform, or website where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge. Social media includes the website of a wholesaler, manufacturer, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, vendor of spirits, broker, or retailer.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor