

TEMPORARY BIN DISPLAYS FOR BEER, WINE, & SPIRITS

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House Bill 4558 as introduced
Sponsor: Rep. Jeremy Moss
Committee: Regulatory Reform
Complete to 5-9-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would place in statute provisions currently contained in departmental rules regarding a temporary bin display on the premises of a retailer with an SDM or SDD license for off premises sales of beer, wine, or spirits; would increase the capacity of the bin; and limit the number of days that a temporary bin could be displayed to 120 days.

Currently, under departmental rules promulgated under provisions of the Michigan Liquor Control Code, a manufacturer, vendor of spirits, outstate seller of beer, or outstate seller of wine may furnish and install a temporary bin display that has a capacity of up to 15 cases (24 containers to a case) of 12-ounce or 0.375-liter containers or the equivalent in other sizes of beer, wine, or spirits on the premises of a retailer licensed for off-premises sales.

The rules also allow a wholesaler to install a bin on the premises of an SDM or SDD licensee that was provided without charge by the manufacturer, outstate seller of beer, or outstate seller of wine. Permanent bins may not be sold, furnished, or installed by a manufacturer, vendor of spirits, outstate seller of beer, outstate seller of wine, or wholesaler in a retailer's licensed premises, and a licensed retailer may not accept a permanent display from any of these entities.

House Bill 4558 would add a new section to the Michigan Liquor Control Code to place into statute the above provisions, and other provisions currently contained in the Michigan Administrative Code regarding the placement of temporary bins in licensed off-premises establishments to hold containers of beer, wine, and spirits. However, the bill would increase the capacity of the bin from holding up to 15 cases to holding up to 25 cases of 12-ounce or 0.0375-liter containers or the equivalent in other sizes.

The bill also would codify (place in statute) the following rules (with some minor rephrasing):

- ❖ The requirement that a retailer ensure that a temporary bin display installed on the premises clearly indicates the date on which the temporary bin display was installed by a tag, stamp, label, or other method securely affixed to the display.
- ❖ The exemption stating that the 3,500-square-inch limit on an inside retail advertising sign under Section 609 does not apply to advertising on a temporary bin display.

The bill defines "temporary bin display" to mean a freestanding device constructed of a material that is used for the exhibition of beer, wine, or spirits on the premises of a retailer licensed for off-premises sales only and that must be removed from the retail licensed premises not later than 120 days after installation.

The bill would take effect 90 days after enactment.

MCL 436.1610b, proposed

FISCAL IMPACT:

House Bill 4558 would not have a significant fiscal impact on state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.