

SENATE BILL No. 357

May 2, 2017, Introduced by Senators WARREN, HANSEN, BIEDA, BRANDENBURG, HUNE, HORN, O'BRIEN, GREEN, ROCCA, GREGORY, HERTEL, KNEZEK, ANANICH, SCHUITMAKER, PROOS, ROBERTSON, PAVLOV, HOPGOOD, HOOD, KOWALL, STAMAS, CASPERSON, JONES, NOFS, MARLEAU, MACGREGOR, ZORN and SCHMIDT and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 609c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 609C. (1) A WHOLESALER OR MANUFACTURER MAY REFUND TO A
2 RETAILER THE AMOUNT THE RETAILER PAID FOR BEER OR WINE, AS
3 APPLICABLE, OR A WHOLESALER OR MANUFACTURER MAY REPLACE THAT BEER
4 OR WINE FOR ANY OF THE FOLLOWING REASONS:

5 (A) THE BEER OR WINE IS OUTDATED.

6 (B) SEASONAL CLOSING OF THE RETAILER.

7 (C) THE RETAILER GOES OUT OF BUSINESS OR THE COMMISSION PLACES
8 THE RETAILER'S LICENSE IN ESCROW.

9 (D) DRIVER OR SALESPERSON DELIVERY ERROR.

10 (E) THE RETAILER MAKES AN ORDER ERROR.

11 (F) THE SUPPLIER DISCONTINUES THE BRAND.

1 (G) THE COMMISSION SUSPENDS OR REVOKES THE RETAILER'S LICENSE.

2 (H) A SHORT FILL.

3 (I) ANY OF THE FOLLOWING THAT APPLY TO THE BEER OR WINE:

4 (i) IT IS OFF TASTE.

5 (ii) IT IS OFF COLOR.

6 (iii) THERE IS SEDIMENT IN THE BEER OR WINE.

7 (iv) IT IS ADULTERATED.

8 (v) IT IS CONTAMINATED.

9 (vi) IT IS SPOILED.

10 (J) BREAKERS OR LEAKERS AT THE TIME OF DELIVERY.

11 (K) INTERNAL REVENUE SERVICE OR MICHIGAN DEPARTMENT OF
12 TREASURY SEIZURE.

13 (l) SALABLE PRODUCT NOT USED BY A SPECIAL LICENSEE.

14 (2) IF BEER IS WITHIN 30 DAYS OF ITS OUT-OF-DATE CODE, A
15 WHOLESALER MAY MAKE AN ADJUSTMENT IN THE FORM OF A REFUND ON BEER
16 THAT IS WITHIN 30 DAYS OF ITS OUT-OF-DATE CODE.

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