

Act No. 178
Public Acts of 2018
Approved by the Governor
June 11, 2018
Filed with the Secretary of State
June 11, 2018
EFFECTIVE DATE: June 11, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Iden, McCready, Hauck, Durhal, Bellino, Faris, Sheppard, Webber, Inman, Roberts, Sneller, Wentworth, Lilly, Peterson, Miller, Leutheuser, Crawford, VanderWall, Vaupel, Barrett, Sabo, Griffin, VanSingel, Hertel, Singh, Lucido, Frederick, Chirkun, Yanez, Elder, Marino, Gay-Dagnogo, Ellison, Camilleri, Clemente, Sowerby, Kahle, Moss, Guerra, Neeley, Phelps, Greig, Dianda, Lower, Jones, Greimel, Howell, Byrd, Yancey, Kosowski, Love, Liberati, Allor, Hoitenga, LaSata, Kesto, Brann, Green, Hornberger, Afendoulis, Garcia, Calley, Wittenberg, Cambensy, Pagel, Hernandez, Cochran, Cox, Whiteford, Rendon, Tedder, Lasinski, LaFave, Cole, Victory, Alexander, Zemke and Chang

ENROLLED HOUSE BILL No. 5768

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 204.

The People of the State of Michigan enact:

Sec. 204. (1) Except for an individual who brings, transports, ships, or imports alcoholic liquor into this state under section 203(8) or (9), as applicable, for a retailer, or for sacramental wines imported under section 301, a person shall not sell, deliver, or import beer, wine, or mixed spirit drink in this state unless the person is 1 of the following:

- (a) A supplier as that term is defined in section 603.
- (b) A licensed direct shipper described in section 203(10).
- (c) A wholesaler.

(2) Except for an individual who brings, transports, ships, or imports alcoholic liquor into this state under section 203(8) or (9), as applicable, for a retailer, or for sacramental wines imported under section 301, a person described in subsection (1) may only sell, deliver, or import beer, wine, or mixed spirit drink in this state in 1 of the following ways:

(a) A licensed direct shipper may sell to a consumer under section 203.

(b) An outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesalers designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable.

(c) A wholesaler that picks up the beer, wine, or mixed spirit drink from the premises of an outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable.

(d) An outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink may deliver the beer, wine, or mixed spirit drink to its licensed premises in this state. However, the beer, wine, or mixed spirit drink must be delivered to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable.

(e) A brewer, wine maker, or mixed spirit drink manufacturer that has a manufacturing plant located outside of this state may deliver the beer, wine, or mixed spirit drink manufactured in the manufacturing plant to its licensed premises in this state. However, the beer, wine, or mixed spirit drink must be delivered to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable.

(f) Except as otherwise provided in this act, a brewer, wine maker, or mixed spirit drink manufacturer may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable.

(3) Except as otherwise provided in subsection (4), both of the following apply to beer, wine, or mixed spirit drink that is delivered to a wholesaler under this act:

(a) The wholesaler shall maintain the beer, wine, or mixed spirit drink on the wholesaler's licensed premises.

(b) The wholesaler shall make the beer, wine, or mixed spirit drink maintained on the wholesaler's licensed premises as required under subdivision (a) available for inspection by the commission for at least 24 hours before the wholesaler delivers the beer, wine, or mixed spirit drink to a retailer.

(4) For beer, wine, or mixed spirit drink that has been delivered to a wholesaler under this act, subsection (3) does not apply and the wholesaler may deliver beer, wine, or mixed spirit drink to a retailer if all of the following apply:

(a) Either of the following applies:

(i) The wholesaler cannot fulfill the retailer's order for the beer, wine, or mixed spirit drink from the inventory currently available on the wholesaler's licensed premises.

(ii) The wholesaler intends to deliver the beer, wine, or mixed spirit drink to a special licensee, including as provided under section 526, before the 24-hour period under subsection (3)(b) has expired.

(b) Either of the following applies:

(i) The beer, wine, or mixed spirit drink has been delivered to the address of the wholesaler's licensed premises.

(ii) The wholesaler picked up the beer, wine, or mixed spirit drink from the licensed premises of any of the following:

(A) A brewer.

(B) A wine maker.

(C) A mixed spirit manufacturer.

(D) An outstate seller of beer.

(E) An outstate seller of wine.

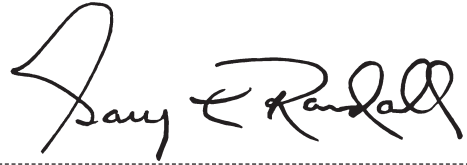
(F) An outstate seller of mixed spirit drink.

(G) A wholesaler.

(c) The wholesaler maintains the invoice of the delivery and attaches documentation to the invoice that details each product and the amount of each product that was not placed on the wholesaler's floor.

(5) This section does not prohibit a brewer, micro brewer, wine maker, small wine maker, or retailer from selling alcoholic liquor or nonalcoholic beverages as provided in this act.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor