

Act No. 426
Public Acts of 2018
Approved by the Governor
December 19, 2018
Filed with the Secretary of State
December 20, 2018
EFFECTIVE DATE: December 20, 2018

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

Introduced by Senator MacGregor

ENROLLED SENATE BILL No. 1181

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 610d.

The People of the State of Michigan enact:

Sec. 610d. (1) There must not be cooperative advertising:

(a) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a retailer.

(b) Between a wholesaler and a retailer.

(c) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a wholesaler.

(2) A manufacturer, an outstate seller of beer, or an outstate seller of wine may do any of the following:

(a) Pay any portion of the cost of painting a truck of a wholesaler.

(b) Supply a brand logoed decal or advertising mat, or both, to a wholesaler without cost.

(c) Use the name or logo of the wholesaler of the outstate seller of beer or outstate seller of wine in the advertising of the outstate seller of beer or outstate seller of wine.

(3) The name of a retailer must not appear in the advertising of a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler.

(4) A retailer may offer consumers instant rebate coupons for use with alcoholic liquor purchases. An instant rebate coupon issued under this subsection must comply with all of the following:

(a) A retailer shall only issue coupons that state a specific expiration date and specific cash refund value on the coupons.

(b) A retailer shall not issue coupons that make any alcoholic liquor free. For spirits, the retailer shall only issue coupons where the specific cash refund amount does not exceed 35% of this state's minimum shelf price for the products purchased and does not reduce the retail price of any product below \$2.00 a bottle.

(c) A retailer may issue coupons that can be applied to more than 1 specific product from a manufacturer, but must state the manufacturer to which they apply.

(d) A retailer shall issue coupons that require the retail customer to purchase at least 1 product of alcoholic liquor to redeem a coupon. A retailer may issue coupons that require the retail customer to purchase 2 or more alcoholic liquor products from the same manufacturer to redeem the coupon.

(e) For spirits, a retailer shall only issue coupons for the 375 milliliters or larger size bottles.

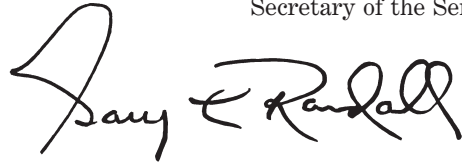
(f) A supplier or wholesaler of beer or wine shall not pay for or participate in the offering of an instant rebate coupon.

(5) As used in this section, "cooperative advertising" means a jointly funded effort between licensees or between vendors of spirits.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor