

Act No. 108
Public Acts of 2020
Approved by the Governor
July 1, 2020
Filed with the Secretary of State
July 1, 2020
EFFECTIVE DATE: July 1, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Wendzel, Hall, Garza and Cambensy

ENROLLED HOUSE BILL No. 5344

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,” by amending section 609c (MCL 436.1609c), as added by 2017 PA 130.

The People of the State of Michigan enact:

Sec. 609c. (1) A manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may refund to a retailer the amount the retailer paid for beer or wine, as applicable, or a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may replace that beer or wine for any of the following reasons:

- (a) The beer or wine is outdated.
 - (b) The beer or wine is defective.
 - (c) An error in the beer or wine delivered.
 - (d) The beer or wine may no longer be lawfully sold.
 - (e) The termination of the retailer’s business.
 - (f) The formula, proof, label, or container of the beer or wine is changed.
 - (g) The beer or wine is discontinued.
 - (h) The retailer is only open a portion of the year and the beer or wine is likely to spoil during the off-season.
- (2) If beer is within 30 days of its out-of-date code, a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may refund to a retailer the amount the retailer paid for the beer.

(3) A manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may only issue a refund or replacement under this section for beer or wine that the manufacturer or wholesaler sold to the retailer.

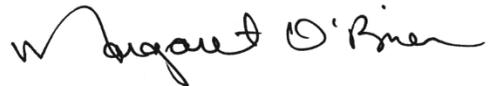
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

- (a) House Bill No. 5341.
- (b) House Bill No. 5342.
- (c) House Bill No. 5343.
- (d) House Bill No. 5345.
- (e) House Bill No. 5346.
- (f) House Bill No. 5347.
- (g) House Bill No. 5348.
- (h) House Bill No. 5349.
- (i) House Bill No. 5350.
- (j) House Bill No. 5351.
- (k) House Bill No. 5352.
- (l) House Bill No. 5353.
- (m) House Bill No. 5354.
- (n) House Bill No. 5355.
- (o) House Bill No. 5400.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

House Bill No. 5341 was filed with the Secretary of State July 1, 2020, and became 2020 PA 105, Imd. Eff. July 1, 2020.

House Bill No. 5342 was filed with the Secretary of State July 1, 2020, and became 2020 PA 106, Imd. Eff. July 1, 2020.

House Bill No. 5343 was filed with the Secretary of State July 1, 2020, and became 2020 PA 107, Imd. Eff. July 1, 2020.

House Bill No. 5345 was filed with the Secretary of State July 1, 2020, and became 2020 PA 109, Imd. Eff. July 1, 2020.

House Bill No. 5346 was filed with the Secretary of State July 1, 2020, and became 2020 PA 110, Imd. Eff. July 1, 2020.

House Bill No. 5347 was filed with the Secretary of State July 1, 2020, and became 2020 PA 111, Imd. Eff. July 1, 2020.

House Bill No. 5348 was filed with the Secretary of State July 1, 2020, and became 2020 PA 112, Imd. Eff. July 1, 2020.

House Bill No. 5349 was filed with the Secretary of State July 1, 2020, and became 2020 PA 113, Imd. Eff. July 1, 2020.

House Bill No. 5350 was filed with the Secretary of State July 1, 2020, and became 2020 PA 114, Imd. Eff. July 1, 2020.

House Bill No. 5351 was filed with the Secretary of State July 1, 2020, and became 2020 PA 115, Imd. Eff. July 1, 2020.

House Bill No. 5352 was filed with the Secretary of State July 1, 2020, and became 2020 PA 116, Imd. Eff. July 1, 2020.

House Bill No. 5353 was filed with the Secretary of State July 1, 2020, and became 2020 PA 117, Imd. Eff. July 1, 2020.

House Bill No. 5354 was filed with the Secretary of State July 1, 2020, and became 2020 PA 118, Imd. Eff. July 1, 2020.

House Bill No. 5355 was filed with the Secretary of State July 1, 2020, and became 2020 PA 119, Imd. Eff. July 1, 2020.

House Bill No. 5400 was filed with the Secretary of State July 1, 2020, and became 2020 PA 120, Imd. Eff. July 1, 2020.