

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1609c Beer, wine, or mixed spirit drink; refund or replacement; reasons.

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, wine, or mixed spirit drink, as applicable, or a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may replace that beer, wine, or mixed spirit drink for any of the following reasons:

- (a) The beer, wine, or mixed spirit drink is outdated.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(2) If beer is within 30 days of its out-of-date code, a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may refund to a retailer the amount the retailer paid for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

(4) Beginning March 1, 2020, a manufacturer may refund to a wholesaler up to the amount the wholesaler paid for beer, wine, or mixed spirit drink, as applicable, or a manufacturer may replace that beer, wine, or mixed spirit drink for either of the following reasons:

(a) The wholesaler purchased the beer, wine, or mixed spirit drink from the manufacturer and the wholesaler refunded to the retailer the amount the retailer paid for that beer, wine, or mixed spirit drink or replaced that beer, wine, or mixed spirit drink under subsection (1) or (2).

(b) The beer, wine, or mixed spirit drink that the wholesaler purchased from the manufacturer has gone out of date while in possession of the wholesaler.

History: Add. 2017, Act 130, Eff. Jan. 15, 2018;—Am. 2020, Act 108, Imd. Eff. July 1, 2020;—Am. 2020, Act 126, Imd. Eff. July 1, 2020;—Am. 2022, Act 225, Imd. Eff. Oct. 14, 2022.