

HOUSE BILL No. 6590

October 29, 2008, Introduced by Rep. Meadows 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 1029.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1029. (1) A RETAILER SELLING BEER IN A KEG SHALL DO ALL
2 OF THE FOLLOWING:

3 (A) ATTACH AN IDENTIFICATION TAG ON THE KEG BEFORE OR AT THE
4 TIME OF THE SALE OF THE BEER.

5 (B) REQUIRE THE PURCHASER OF THE BEER TO COMPLETE AND SIGN A
6 RECEIPT SUPPLIED BY THE COMMISSION UNDER SUBSECTION (2) AFTER
7 PRESENTATION OF A DRIVER LICENSE OR STATE OF MICHIGAN
8 IDENTIFICATION CARD. IF THE PURCHASER OF THE BEER DOES NOT POSSESS
9 A DRIVER LICENSE OR STATE OF MICHIGAN IDENTIFICATION CARD, THE
10 RETAILER SHALL NOT SELL BEER IN A KEG TO THE CUSTOMER.

1 (C) REFUSE TO ACCEPT THE RETURN OF THE KEG AND REFUSE TO
2 RETURN THE KEG DEPOSIT IF THE IDENTIFICATION TAG IS NOT ATTACHED
3 WHEN RETURNED.

4 (D) RETAIN A DEPOSIT AS AUTHORIZED BY LAW.

5 (2) UPON REQUEST, THE COMMISSION SHALL SUPPLY TO RETAILERS THE
6 RECEIPT DESCRIBED IN SUBSECTION (1) FOR USE IN THE SALE OF BEER BY
7 THE KEG. THE RECEIPT SHALL CONTAIN AT LEAST A PLACE FOR THE PRINTED
8 NAME, ADDRESS, TELEPHONE NUMBER OF THE PURCHASER OF THE BEER, AND
9 THE BEER KEG TAG NUMBER. THE PURCHASER OF THE BEER SHALL SIGN THE
10 RECEIPT. THE RETAILER SHALL NOT SELL BEER IN A KEG UNLESS THE
11 RECEIPT IS COMPLETED AND ACCOMPANIED BY THE SIGNATURE OF THE
12 PURCHASER. A NOTICE SHALL BE PRINTED ON THE RECEIPT IN BOLDFACED
13 TYPE THE SAME SIZE AS THE TYPE USED ON OTHER PARTS OF THE RECEIPT.
14 THE COMMISSION SHALL PROVIDE A SIGN TO THE RETAILER STATING ALL OF
15 THE FOLLOWING:

16 (A) THAT THE RETAILER WILL NOT ACCEPT RETURN OF THE KEG AND
17 WILL NOT RETURN THE KEG DEPOSIT TO THE PURCHASER OF THE BEER IF THE
18 TAG IS NOT ATTACHED TO THE KEG UPON ITS RETURN.

19 (B) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
20 UNDERSTANDING THAT HE OR SHE AGREES NOT TO DAMAGE THE KEG AND NOT
21 TO REMOVE OR ALTER THE ATTACHED TAG.

22 (C) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
23 UNDERSTANDING THAT HE OR SHE IS SUBJECT TO LIABILITY FOR SERVING
24 THE BEER TO ANY MINOR.

25 (3) THE COMMISSION SHALL MAKE IDENTIFICATION TAGS AVAILABLE TO
26 RETAILERS SELLING BEER IN A KEG. THE IDENTIFICATION TAGS SHALL BE
27 OF SUCH SIZE AND MATERIALS AS TO MAKE THE IDENTIFICATION TAGS

1 EASILY REMOVABLE FOR THE PURPOSE OF THE CLEANING AND THE REUSING OF
2 THE KEG BY THE OWNER OF THE KEG. UPON REQUEST, THE COMMISSION SHALL
3 DISTRIBUTE AND MAKE AVAILABLE THE TAGS IN NUMBERED LOTS TO
4 RETAILERS SELLING BEER IN A KEG.

5 (4) RETAILERS SELLING BEER IN A KEG SHALL RETAIN A COPY OF THE
6 RECEIPT DESCRIBED IN SUBSECTION (1) FOR NOT LESS THAN 30 DAYS AND
7 SHALL MAKE THOSE COPIES AVAILABLE FOR INSPECTION BY THE COMMISSION
8 AND LAW ENFORCEMENT AGENCIES.

9 (5) NOTWITHSTANDING SECTION 909, A PERSON VIOLATING THIS
10 SECTION UNDER THE FOLLOWING CIRCUMSTANCES IS SUBJECT TO THE
11 APPLICABLE SANCTIONS:

12 (A) A RETAILER WHO HAS FAILED TO APPLY AN IDENTIFICATION TAG
13 ON A KEG, FAILED TO COMPLETE THE RECEIPT PROVIDED BY THE
14 COMMISSION, OR FAILED TO OBTAIN THE PURCHASER'S SIGNATURE ON THE
15 RECEIPT IS LIABLE FOR AN ADMINISTRATIVE FINE OF NOT MORE THAN
16 \$500.00.

17 (B) A PERSON WHO IS NOT A RETAILER OR A WHOLESALER LICENSED BY
18 THE COMMISSION WHO HAS POSSESSED A KEG THAT DOES NOT HAVE ATTACHED
19 TO IT AN IDENTIFICATION TAG OR WHO HAS PROVIDED FALSE INFORMATION
20 IN THE PURCHASE OF BEER IN A KEG, OR BOTH, IS GUILTY OF A
21 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
22 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

23 (6) THIS SECTION REQUIRES THE ATTACHING OF A TAG TO A BEER KEG
24 SOLD AT RETAIL FOR USE BY A MEMBER OF THE GENERAL PUBLIC AND DOES
25 NOT REQUIRE A RETAILER OR LICENSEE TO ATTACH A TAG TO A KEG THAT IS
26 BEING USED FOR ON-PREMISE CONSUMPTION ONLY, BEING STORED, OR BEING
27 TRANSPORTED.

1 (7) THIS SECTION DOES NOT PROHIBIT A COMMISSION AGENT OR A LAW
2 ENFORCEMENT AGENT FROM RETURNING AN UNTAGGED KEG AND RECEIVING THE
3 KEG DEPOSIT.

4 (8) A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT AN ORDINANCE
5 THAT CONFLICTS WITH THIS SECTION. IT IS THE INTENT OF THE
6 LEGISLATURE THAT THIS SECTION PREEMPT ANY ORDINANCE ENACTED IN
7 CONTRAVENTION OF THIS SECTION. THE REMEDIES IN THIS SECTION ARE
8 CUMULATIVE, AND THE BRINGING OF A CRIMINAL ACTION DOES NOT PROHIBIT
9 THE BRINGING OF A CIVIL OR ADMINISTRATIVE ACTION AS PROVIDED BY
10 LAW.

11 (9) AS USED IN THIS SECTION, "KEG" MEANS ANY BREWERY-SEALED
12 INDIVIDUAL CONTAINER HAVING LIQUID CAPACITY OF 6 GALLONS OR MORE.