

SUBSTITUTE FOR
HOUSE BILL NO. 4565

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 OR APPLY OTHER MEANS OF
4 IDENTIFICATION TO THE KEG BEFORE OR AT THE TIME OF THE SALE OF THE
5 BEER.

6 (B) REQUIRE THE PURCHASER OF THE BEER TO COMPLETE AND SIGN A
7 RECEIPT SUPPLIED BY THE COMMISSION, CONTAINING INFORMATION
8 DESCRIBED IN SUBSECTION (2) (A), (B), AND (C), AFTER PRESENTATION OF
9 A DRIVER LICENSE OR STATE OF MICHIGAN IDENTIFICATION CARD. IF THE
10 PURCHASER OF THE BEER DOES NOT POSSESS A DRIVER LICENSE OR STATE OF

1 MICHIGAN IDENTIFICATION CARD, THE RETAILER SHALL NOT SELL BEER IN A
2 KEG TO THE CUSTOMER.

3 (C) ACCEPT THE RETURN OF THE KEG AND REFUSE TO RETURN THE KEG
4 DEPOSIT IF THE KEG IDENTIFICATION IS NOT ATTACHED OR APPLIED WHEN
5 RETURNED.

6 (D) RETAIN A DEPOSIT EQUIVALENT TO THE DEPOSIT PAID BY THE
7 RETAILER TO ITS SUPPLIER OR WHOLESALER AS SPECIFIED IN R 436.1629
8 OF THE MICHIGAN ADMINISTRATIVE CODE.

9 (2) UPON REQUEST, THE COMMISSION SHALL SUPPLY TO RETAILERS THE
10 RECEIPT DESCRIBED IN SUBSECTION (1) FOR USE IN THE SALE OF BEER BY
11 THE KEG. THE RECEIPT SHALL PROVIDE A SPACE TO ENTER THE PRINTED
12 NAME, ADDRESS, TELEPHONE NUMBER, AND DRIVER LICENSE OR STATE OF
13 MICHIGAN IDENTIFICATION NUMBER OF THE PURCHASER OF THE BEER, AND
14 THE IDENTIFYING INFORMATION FROM THE BEER KEG. THE PURCHASER OF THE
15 BEER SHALL SIGN THE RECEIPT. THE RETAILER SHALL NOT SELL BEER IN A
16 KEG UNLESS THE RECEIPT IS COMPLETED AND ACCOMPANIED BY THE
17 SIGNATURE OF THE PURCHASER. THE COMMISSION SHALL MAKE AVAILABLE TO
18 EACH RETAILER SELLING BEER IN KEGS A NOTICE TO BE POSTED STATING
19 ALL OF THE FOLLOWING:

20 (A) THAT THE RETAILER WILL ACCEPT RETURN OF THE KEG AND WILL
21 NOT RETURN THE KEG DEPOSIT TO THE PURCHASER OF THE BEER IF THE KEG
22 IDENTIFICATION IS REMOVED OR ALTERED.

23 (B) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
24 UNDERSTANDING THAT HE OR SHE AGREES TO NOT DAMAGE THE KEG AND TO
25 NOT REMOVE OR ALTER THE KEG IDENTIFICATION.

26 (C) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
27 UNDERSTANDING THAT HE OR SHE IS SUBJECT TO LIABILITY FOR SERVING

1 THE BEER TO ANY MINOR.

2 (3) THE COMMISSION SHALL MAKE IDENTIFICATION TAGS AVAILABLE TO
3 RETAILERS SELLING BEER IN A KEG. THE IDENTIFICATION TAGS SHALL BE
4 OF SUCH SIZE AND MATERIALS AS TO MAKE THE IDENTIFICATION TAGS
5 EASILY REMOVABLE FOR THE PURPOSE OF THE CLEANING AND THE REUSING OF
6 THE KEG BY THE OWNER OF THE KEG. UPON REQUEST, THE COMMISSION SHALL
7 DISTRIBUTE AND MAKE AVAILABLE THE TAGS IN NUMBERED LOTS TO
8 RETAILERS SELLING BEER IN A KEG.

9 (4) RETAILERS SELLING BEER IN A KEG SHALL RETAIN A COPY OF THE
10 RECEIPT DESCRIBED IN SUBSECTION (1) FOR NOT LESS THAN 30 DAYS AFTER
11 THE DATE THE KEG WAS RETURNED AND SHALL MAKE THOSE COPIES AVAILABLE
12 FOR INSPECTION BY THE COMMISSION AND LAW ENFORCEMENT AGENCIES.

13 (5) NOTWITHSTANDING SECTION 909, A PERSON INTENTIONALLY
14 VIOLATING THIS SECTION UNDER THE FOLLOWING CIRCUMSTANCES IS SUBJECT
15 TO THE APPLICABLE SANCTIONS:

16 (A) A RETAILER WHO HAS FAILED TO APPLY AN IDENTIFICATION TAG
17 OR OTHER MEANS OF IDENTIFICATION ON A KEG, FAILED TO COMPLETE THE
18 RECEIPT PROVIDED BY THE COMMISSION, OR FAILED TO OBTAIN THE
19 PURCHASER'S SIGNATURE ON THE RECEIPT IS LIABLE FOR AN
20 ADMINISTRATIVE FINE OF NOT MORE THAN \$50.00.

21 (B) A PERSON WHO IS NOT A RETAILER, WHOLESALER, OR SUPPLIER
22 LICENSED BY THE COMMISSION WHO HAS REMOVED FROM A KEG AN
23 IDENTIFICATION TAG OR OTHER MEANS OF IDENTIFICATION APPLIED TO THE
24 KEG, OR WHO HAS PROVIDED FALSE INFORMATION IN THE PURCHASE OF BEER
25 IN A KEG, OR BOTH, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
26 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
27 \$500.00, OR BOTH.

1 (6) THIS SECTION REQUIRES THE ATTACHING OF A TAG, OR
2 APPLICATION OF ANY OTHER MEANS OF IDENTIFICATION ACCEPTABLE TO THE
3 COMMISSION, TO A BEER KEG SOLD AT RETAIL FOR USE BY A MEMBER OF THE
4 GENERAL PUBLIC AND DOES NOT REQUIRE A RETAILER OR LICENSEE TO
5 ATTACH A TAG OR APPLY ANY OTHER MEANS OF IDENTIFICATION TO A KEG
6 THAT IS BEING USED FOR ON-PREMISES CONSUMPTION, STORAGE, OR
7 TRANSPORTATION FOR RETAIL USE.

8 (7) THIS SECTION DOES NOT PROHIBIT A COMMISSION AGENT OR A LAW
9 ENFORCEMENT AGENT FROM RETURNING AN UNTAGGED OR UNIDENTIFIED KEG
10 AND RECEIVING THE KEG DEPOSIT.

11 (8) A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT AN ORDINANCE
12 THAT CONFLICTS WITH THIS SECTION. IT IS THE INTENT OF THE
13 LEGISLATURE THAT THIS SECTION PREEMPT ANY ORDINANCE ENACTED IN
14 CONTRAVENTION OF THIS SECTION. THE REMEDIES IN THIS SECTION ARE
15 CUMULATIVE, AND THE BRINGING OF A CRIMINAL ACTION DOES NOT PROHIBIT
16 THE BRINGING OF A CIVIL OR ADMINISTRATIVE ACTION AS PROVIDED BY
17 LAW.

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