

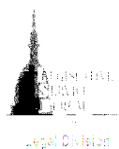
HOUSE BILL NO. 5764

May 05, 2020, Introduced by Rep. Warren and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending sections 609c and 609d (MCL 436.1609c and 436.1609d),
section 609c as added by 2017 PA 130 and section 609d as added by
2020 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 609c. (1) A manufacturer that sells direct to a retailer
- 2 as provided under section 203(19) or a wholesaler may refund to a
- 3 retailer the amount the retailer paid for beer or wine, as
- 4 applicable, or a manufacturer that sells direct to a retailer as



DAW



06393'20

provided under section 203(19) 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(a) The beer or wine is outdated.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(2) If beer is within 30 days of its out-of-date code, a manufacturer that sells direct to a retailer as provided under section 203(19) or a wholesaler may refund to a retailer the amount the retailer paid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 203(19) 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.

(4) A wholesaler may refund to an on-premises licensee the amount the on-premises licensee paid for beer or wine if the on-premises licensee purchased the beer or wine after December 31, 2019.

(5) A wholesaler may refund to a special licensee that is authorized by the commission to sell beer or wine, or both, the amount the special licensee paid for the beer or wine, as applicable, if the effective period of the special license is no earlier than March 10, 2020 and no later than April 6, 2020.



1 Sec. 609d. **(1)** A specially designated distributor that sells
2 spirits to a special licensee that is authorized by the commission
3 to sell spirits may refund the special licensee for the return of
4 an unopened bottle in the same amount that the special licensee
5 paid for the spirits, less any of the specially designated
6 distributor's credit card transaction fees incurred from the sale,
7 if the bottle is without damage to the exterior that would prevent
8 the salability of the bottle.

9 **(2)** A specially designated distributor that sells spirits to
10 an on-premises licensee may refund the on-premises licensee for the
11 return of an unopened bottle in the same amount the on-premises
12 licensee paid for the spirits, less any of the specially designated
13 distributor's credit card transaction fees incurred from the sale,
14 if both of the following conditions are met:

15 (a) The spirits were purchased after December 31, 2019.

16 (b) The bottle is without damage to the exterior that would
17 prevent the salability of the bottle.

