

SENATE BILL No. 443

May 10, 1989, Introduced by Senators O'BRIEN, POSTHUMUS and KELLY and referred to the Committee on Regulatory Affairs.

A bill to amend section 1 of the Initiated Law of 1976, as amended by Act No. 235 of the Public Acts of 1986, being section 445.571 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of the Initiated Law of 1976, as
2 amended by Act No. 235 of the Public Acts of 1986, being section
3 445.571 of the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 1. As used in this act:

6 (a) "Beverage" means a soft drink, soda water, carbonated
7 natural or mineral water, or other nonalcoholic carbonated drink;
8 beer, ale, or other malt drink of whatever alcoholic content; or
9 a mixed wine drink or a mixed spirit drink.

10 (b) "Beverage container" means an airtight metal, glass,
11 paper, or plastic container, or a container composed of a

1 combination of these materials, which, at the time of sale,
2 contains 1 gallon or less of a beverage.

3 (c) "Empty returnable container" means a beverage container
4 which contains nothing except the residue of its original
5 contents.

6 (d) "Returnable container" means a beverage container upon
7 which a deposit of at least 10 cents has been paid, or is
8 required to be paid upon the removal of the container from the
9 sale or consumption area, and for which a refund of at least 10
10 cents in cash is payable by every dealer or distributor in this
11 state of that beverage in beverage containers, as further pro-
12 vided in section 2.

13 (e) "Nonreturnable container" means a beverage container
14 upon which no deposit or a deposit of less than 10 cents has been
15 paid, or is required to be paid upon the removal of the container
16 from the sale or consumption area, or for which no cash refund or
17 a refund of less than 10 cents is payable by a dealer or distrib-
18 utor in this state of that beverage in beverage containers, as
19 further provided in section 2.

20 (f) "Person" means an individual, partnership, corporation,
21 association, or other legal entity.

22 (g) "Dealer" means a person who sells or offers for sale to
23 consumers within this state a beverage in a beverage container,
24 including an operator of a vending machine containing a beverage
25 in a beverage container.

1 (h) "Operator of a vending machine" means equally its owner,
2 the person who refills it, and the owner or lessee of the
3 property upon which it is located.

4 (i) "Distributor" means a person who sells beverages in bev-
5 erage containers to a dealer within this state, and includes a
6 manufacturer who engages in such sales.

7 (j) "Manufacturer" means a person who bottles, cans, or oth-
8 erwise places beverages in beverage containers for sale to dis-
9 tributors, dealers, or consumers.

10 (k) "Within this state" means within the exterior limits of
11 the state of Michigan, and includes the territory within these
12 limits owned by or ceded to the United States of America.

13 (l) "Commission" means the Michigan liquor control
14 commission.

15 (m) "Sale or consumption area" means the premises within the
16 property of the dealer or of the dealer's lessor where the sale
17 is made, within which beverages in returnable containers may be
18 consumed without payment of a deposit, and, upon removing a bev-
19 erage container from which, the customer is required by the
20 dealer to pay the deposit.

21 (n) "Nonrefillable container" means a returnable container
22 which is not intended to be refilled for sale by a manufacturer.

23 (o) "Mixed wine drink" means a drink OR SIMILAR PRODUCT
24 MARKETED AS A WINE COOLER AND containing ~~8% or~~ less THAN 7%
25 alcohol by volume, consisting of wine ~~mixed with nonalcoholic~~
26 ~~beverages or flavoring or coloring materials, and which may also~~
27 ~~contain water, fruit juices, fruit adjuncts, sugar, carbon~~

1 ~~dioxide, or preservatives, or other similar product marketed as a~~
2 ~~wine cooler.~~ AND PLAIN, SPARKLING, OR CARBONATED WATER AND CON-
3 TAINING ANY 1 OR MORE OF THE FOLLOWING:

4 (i) NONALCOHOLIC BEVERAGES.

5 (ii) FLAVORING.

6 (iii) COLORING MATERIALS.

7 (iv) FRUIT JUICES.

8 (v) FRUIT ADJUNCTS.

9 (vi) SUGAR.

10 (vii) CARBON DIOXIDE.

11 (viii) PRESERVATIVES.

12 (p) "Mixed spirit drink" means a drink containing 10% or
13 less alcohol by volume consisting of distilled spirits mixed with
14 nonalcoholic beverages or flavoring or coloring materials and
15 which may also contain water, fruit juices, fruit adjuncts,
16 sugar, carbon dioxide, or preservatives; or any spirits based
17 beverage, regardless of the percent of alcohol by volume, that is
18 manufactured for sale in a metal container.