

SUBSTITUTE FOR
SENATE BILL NO. 357

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 609c.

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
5 PROVIDED UNDER SECTION 203(19) OR A WHOLESALER MAY REPLACE THAT
6 BEER OR WINE FOR ANY OF THE FOLLOWING REASONS:
- 7 (A) THE BEER OR WINE IS OUTDATED.
- 8 (B) THE BEER OR WINE IS DEFECTIVE.
- 9 (C) AN ERROR IN THE BEER OR WINE DELIVERED.

1 (D) THE BEER OR WINE MAY NO LONGER BE LAWFULLY SOLD.

2 (E) THE TERMINATION OF THE RETAILER'S BUSINESS.

3 (F) THE FORMULA, PROOF, LABEL, OR CONTAINER OF THE BEER OR
4 WINE IS CHANGED.

5 (G) THE BEER OR WINE IS DISCONTINUED.

6 (H) THE RETAILER IS ONLY OPEN A PORTION OF THE YEAR AND THE
7 BEER OR WINE IS LIKELY TO SPOIL DURING THE OFF-SEASON.

8 (2) IF BEER IS WITHIN 30 DAYS OF ITS OUT-OF-DATE CODE, A
9 MANUFACTURER THAT SELLS DIRECT TO A RETAILER AS PROVIDED UNDER
10 SECTION 203(19) OR A WHOLESALER MAY REFUND TO A RETAILER THE AMOUNT
11 THE RETAILER PAID FOR THE BEER.

12 (3) A MANUFACTURER THAT SELLS DIRECT TO A RETAILER AS PROVIDED
13 UNDER SECTION 203(19) OR A WHOLESALER MAY ONLY ISSUE A REFUND OR
14 REPLACEMENT UNDER THIS SECTION FOR BEER OR WINE THAT THE
15 MANUFACTURER OR WHOLESALER SOLD TO THE RETAILER.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.