

**A SUMMARY OF HOUSE BILL 6083 AS INTRODUCED 11-09-00**

The bill would amend the Michigan Liquor Control Code to require that an identification tag be attached to a keg of beer prior to sale, and that the purchaser complete a signed receipt with personal identifying information. The bill would apply to kegs of beer sold at retail to the general public, and not to kegs used for on-premise consumption by licensed establishments or to kegs being stored or transported. "Keg" would mean any brewer-sealed individual container having a liquid capacity of five gallons or more.

Under the bill, a retailer (such as a package store) that sells beer in a keg would have to do the following:

- Attach an identification tag on the keg of beer either before or at the time of sale.
- Require the purchaser to present a driver's license or state I.D. card and complete and sign a receipt. No sale would be allowed to a customer without proper identification or without a signature on the receipt.
- Refuse to accept a returned keg and refuse to refund the deposit unless the identification tag were still attached.

The receipts would be supplied by the Michigan Liquor Control Commission in numbered lots to retailers who sell beer in kegs. The receipt would have to contain a place for the purchaser's printed name, address, telephone number, driver's license or state I.D. card number, and the beer keg tag number. The receipt would have to have a printed notice, in boldfaced type the same size as the type on the receipt, that states 1) that a keg will not be accepted for return, nor would the deposit be returned, unless the keg still had the tag attached; and 2) that the person signing the receipt agrees not to damage the keg and not to remove or alter the attached tag. The commission could by rule set the amount of the keg deposit that could be charged by retailers.

The retailer would have to retain a copy of the receipt for at least 90 days and would have to make those copies available for inspection by the commission and law enforcement agencies. A retailer who violated the bill's provisions would be subject to an administrative fine of up to \$1,000. A person who was not a liquor licensee who possessed a keg without a tag or who had provided false information when buying a keg would be guilty of a misdemeanor punishable by up to 93 days imprisonment, a fine of not more than \$1,000, or both.

A commission agent or law enforcement agent could return an untagged keg and receive the keg deposit. Local ordinances that conflicted with the bill's provisions could not be enacted, and

the bill would specify that it was the legislature's intent that the bill's provisions would preempt any ordinance enacted in contravention to it. Further, remedies under the bill would be cumulative, and bringing a criminal action would not prohibit bringing a civil or administrative action as provided by law.

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.