

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 470

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 1030.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1030. (1) A RETAILER SELLING BEER IN A KEG SHALL DO ALL
2 OF THE FOLLOWING:

3 (A) ATTACH AN IDENTIFICATION TAG, AS PRESCRIBED BY THE
4 COMMISSION, ON 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 AS PRESCRIBED BY THE COMMISSION UNDER SUBSECTION (2) AFTER
8 PRESENTATION OF A DRIVER LICENSE OR STATE OF MICHIGAN
9 IDENTIFICATION CARD. IF THE PURCHASER OF THE BEER DOES NOT POSSESS
10 A DRIVER LICENSE OR STATE OF MICHIGAN IDENTIFICATION CARD, THE

1 RETAILER SHALL NOT SELL BEER IN A KEG TO THE CUSTOMER.

2 (C) REFUSE TO RETURN THE KEG DEPOSIT IF THE IDENTIFICATION TAG
3 IS NOT ATTACHED WHEN RETURNED.

4 (D) RETAIN A KEG DEPOSIT AS SPECIFIED IN R 436.1629 OF THE
5 MICHIGAN ADMINISTRATIVE CODE.

6 (2) THE COMMISSION SHALL PRESCRIBE THE RECEIPT DESCRIBED IN
7 SUBSECTION (1) FOR USE IN THE SALE OF BEER BY THE KEG. THE RECEIPT
8 SHALL CONTAIN AT LEAST A PLACE FOR THE PRINTED NAME, ADDRESS,
9 TELEPHONE NUMBER OF THE PURCHASER OF THE BEER, THE DRIVER LICENSE
10 OR STATE OF MICHIGAN IDENTIFICATION NUMBER OF THE PURCHASER, AND
11 THE BEER KEG TAG NUMBER. THE PURCHASER OF THE BEER SHALL SIGN THE
12 RECEIPT. THE RETAILER SHALL NOT SELL BEER IN A KEG UNLESS THE
13 RECEIPT IS COMPLETED AND ACCOMPANIED BY THE SIGNATURE OF THE
14 PURCHASER. A NOTICE CONTAINING THE INFORMATION DESCRIBED IN
15 SUBDIVISIONS (A), (B), AND (C) SHALL BE PRINTED ON THE RECEIPT IN
16 BOLDFACED TYPE THE SAME SIZE AS THE TYPE USED ON OTHER PARTS OF THE
17 RECEIPT. THE NOTICE SHALL STATE ALL OF THE FOLLOWING:

18 (A) THAT THE RETAILER WILL NOT RETURN THE KEG DEPOSIT TO THE
19 PURCHASER OF THE BEER IF THE TAG IS NOT ATTACHED TO THE KEG UPON
20 ITS RETURN.

21 (B) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
22 UNDERSTANDING THAT HE OR SHE AGREES NOT TO DAMAGE THE KEG AND NOT
23 TO REMOVE OR ALTER THE ATTACHED TAG.

24 (C) THAT THE INDIVIDUAL SIGNING THE RECEIPT DOES SO WITH THE
25 UNDERSTANDING THAT HE OR SHE IS SUBJECT TO LIABILITY FOR SERVING
26 THE BEER TO ANY MINOR.

27 (3) THE COMMISSION SHALL MAKE IDENTIFICATION TAGS AVAILABLE TO

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

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

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

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

19 (B) A PERSON WHO IS NOT A RETAILER OR A WHOLESALER LICENSED BY
20 THE COMMISSION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
21 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
22 \$500.00, OR BOTH, FOR ANY OF THE FOLLOWING:

23 (i) REMOVING AN IDENTIFICATION TAG FROM A KEG CONTAINING BEER.

24 (ii) ALLOWING THE REMOVAL OF AN IDENTIFICATION TAG FROM A KEG
25 OF BEER PURCHASED BY THAT INDIVIDUAL.

26 (iii) PROVIDING FALSE INFORMATION IN THE PURCHASE OF BEER IN A
27 KEG.

1 (6) THIS SECTION REQUIRES THE ATTACHING OF A TAG TO A BEER KEG
2 SOLD AT RETAIL FOR USE BY A MEMBER OF THE GENERAL PUBLIC AND DOES
3 NOT REQUIRE A RETAILER OR LICENSEE TO ATTACH A TAG TO A KEG THAT IS
4 BEING USED FOR ON-PREMISES CONSUMPTION ONLY, BEING STORED, BEING
5 TRANSPORTED, OR BEING USED BY A CATERER PROVIDING THE CATERING
6 SERVICE.

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

11 (8) AS USED IN THIS SECTION, "KEG" MEANS ANY BREWERY-SEALED
12 INDIVIDUAL CONTAINER HAVING LIQUID CAPACITY OF 5 GALLONS OR MORE.