

SENATE BILL No. 470

April 28, 2009, Introduced by Senator SANBORN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 1029.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1029. (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

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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 DEPOSIT AS AUTHORIZED BY LAW.

5 (2) UPON REQUEST, THE COMMISSION SHALL PRESCRIBE THE RECEIPT
6 DESCRIBED IN SUBSECTION (1) FOR USE IN THE SALE OF BEER BY THE KEG.
7 THE RECEIPT SHALL CONTAIN AT LEAST A PLACE FOR THE PRINTED NAME,
8 ADDRESS, TELEPHONE NUMBER OF THE PURCHASER OF THE BEER, AND THE
9 BEER KEG TAG NUMBER. THE PURCHASER OF THE BEER SHALL SIGN THE
10 RECEIPT. THE RETAILER SHALL NOT SELL BEER IN A KEG UNLESS THE
11 RECEIPT IS COMPLETED AND ACCOMPANIED BY THE SIGNATURE OF THE
12 PURCHASER. A NOTICE SHALL BE PRINTED ON THE RECEIPT IN BOLDFACED
13 TYPE THE SAME SIZE AS THE TYPE USED ON OTHER PARTS OF THE RECEIPT.
14 THE COMMISSION SHALL PROVIDE A SIGN TO THE RETAILER STATING ALL OF
15 THE FOLLOWING:

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

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

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

25 (3) THE COMMISSION SHALL MAKE IDENTIFICATION TAGS AVAILABLE TO
26 RETAILERS SELLING BEER IN A KEG. THE IDENTIFICATION TAGS SHALL BE
27 OF SUCH SIZE AND MATERIALS AS TO MAKE THE IDENTIFICATION TAGS

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

5 (4) RETAILERS SELLING BEER IN A KEG SHALL RETAIN A COPY OF THE
6 RECEIPT DESCRIBED IN SUBSECTION (1) FOR NOT LESS THAN 30 DAYS AND
7 SHALL MAKE THOSE COPIES AVAILABLE FOR INSPECTION BY THE COMMISSION
8 AND LAW ENFORCEMENT AGENCIES.

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

12 (A) A RETAILER WHO HAS FAILED TO APPLY AN IDENTIFICATION TAG
13 ON A KEG, INTENTIONALLY FAILED TO COMPLETE THE RECEIPT PROVIDED BY
14 THE COMMISSION, OR FAILED TO OBTAIN THE PURCHASER'S SIGNATURE ON
15 THE RECEIPT IS LIABLE FOR AN ADMINISTRATIVE FINE OF NOT MORE THAN
16 \$250.00.

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

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

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

24 (iii) PROVIDING FALSE INFORMATION IN THE PURCHASE OF BEER IN A
25 KEG.

26 (6) THIS SECTION REQUIRES THE ATTACHING OF A TAG TO A BEER KEG
27 SOLD AT RETAIL FOR USE BY A MEMBER OF THE GENERAL PUBLIC AND DOES

1 NOT REQUIRE A RETAILER OR LICENSEE TO ATTACH A TAG TO A KEG THAT IS
2 BEING USED FOR ON-PREMISES CONSUMPTION ONLY, BEING STORED, OR BEING
3 TRANSPORTED.

4 (7) THIS SECTION DOES NOT PROHIBIT A COMMISSION AGENT OR A LAW
5 ENFORCEMENT AGENT FROM RETURNING AN UNTAGGED KEG AND RECEIVING THE
6 KEG DEPOSIT.

7 (8) AS USED IN THIS SECTION, "KEG" MEANS ANY BREWERY-SEALED
8 INDIVIDUAL CONTAINER HAVING LIQUID CAPACITY OF 6 GALLONS OR MORE.