

HOUSE BILL NO. 6105

May 18, 2022, Introduced by Reps. Hauck and Steenland and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding sections 609g, 609h, and 609i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 609g. (1) If a wholesaler sells nonalcoholic beverages to**
2 **a retailer, this act does not apply to the sale, marketing,**
3 **merchandising, or distribution of the nonalcoholic beverages except**
4 **the following:**

5 **(a) The wholesaler shall comply with section 609.**

1 (b) The wholesaler shall not do either of the following:

2 (i) Provide free nonalcoholic beverages products to a retailer.

3 (ii) Provide credit to a retailer.

4 (2) If a wholesaler separately owns or has a direct or
5 indirect financial interest in a company, this act does not apply
6 to the company if all of the following conditions are met:

7 (a) The company is not a wholesaler.

8 (b) The company and the wholesaler have separate sales and
9 delivery employees.

10 (c) The company and the wholesaler use separate delivery
11 vehicles.

12 (d) The company and the wholesaler keep separate finances.

13 (e) The company does not engage in an activity on behalf of
14 the wholesaler that would violate section 609.

15 (3) If a wholesaler owns or has a direct or indirect financial
16 interest in a company, the wholesaler and the company may do all of
17 the following:

18 (a) Share human resources departments.

19 (b) Have a joint payroll.

20 (c) Lease warehouse space to each other.

21 (d) Have joint vehicle maintenance.

22 (e) Jointly recycle beverage containers.

23 (f) Share warehouse and personal equipment.

24 Sec. 609h. A manufacturer or supplier may offer electronic
25 rebate coupons directly to a retail customer after the retail
26 customer purchases alcoholic liquor from a retailer. An electronic
27 rebate coupon issued under this subsection must comply with all the
28 following:

29 (a) A manufacturer or supplier shall only issue coupons that

1 state a specific expiration date and specific cash refund value on
2 the coupons.

3 (b) A manufacturer or supplier shall not issue coupons that
4 result in the retail customer's purchase of alcoholic liquor being
5 below the retailer's cost.

6 (c) A manufacturer or supplier may issue coupons that can be
7 applied to more than 1 specific product sold by that manufacturer
8 or supplier but must state the manufacturer or supplier to which
9 they apply.

10 (d) A manufacturer or supplier shall issue coupons that
11 require the retail customer to purchase at least 1 product of
12 alcoholic liquor to redeem a coupon. A manufacturer or supplier may
13 issue coupons that require the retail customer to purchase 2 or
14 more alcoholic liquor products from the same manufacturer or
15 supplier to redeem the coupon.

16 (e) A manufacturer or supplier shall not issue coupons that
17 require the purchase of a product other than alcoholic liquor.

18 (f) A wholesaler shall not pay for or participate in the
19 offering of coupons except for providing signs that promote the
20 electronic rebate coupon in accordance with section 610a.

21 (g) A manufacturer shall only issue coupons that may be
22 redeemable after a purchase of alcoholic liquor at all retail
23 locations where that alcoholic liquor is sold.

24 Sec. 609i. If demands exceed supply for a beer, wine, mixed
25 wine drink, or mixed spirit drink product, a manufacturer,
26 supplier, or wholesaler must do both of the following:

27 (a) Engage in commercially reasonable efforts to make the
28 beer, wine, mixed wine drink, or mixed spirit drink product
29 available to purchase by a wholesaler that places an order.

1 **(b) Engage in commercially reasonable efforts to make the**
2 **beer, wine, mixed wine drink, or mixed spirit drink product**
3 **available to purchase by a retailer that places the order.**

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 101st Legislature are
6 enacted into law:

7 (a) Senate Bill No. ____ or House Bill No. 6106 (request no.
8 05815'22).

9 (b) Senate Bill No. ____ or House Bill No. 6107 (request no.
10 06255'22).