

HOUSE BILL NO. 5343

January 16, 2020, Introduced by Reps. Wendzel, Hall, Garza and Cambensy 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 section 203a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 203a. A micro brewer or an out-of-state entity that is**
2 **the substantial equivalent of a micro brewer may sell and deliver**
3 **beer to a retailer in this state only if all of the following**
4 **conditions are met:**

5 **(a) The retailer is not located in a sales territory for which**



1 the micro brewer or out-of-state entity that is the substantial
2 equivalent of a micro brewer has granted exclusive sales rights to
3 a wholesaler under sections 401 and 403 for the sale of any brand
4 or brands of beer produced by the micro brewer or out-of-state
5 entity that is the substantial equivalent of a micro brewer.

6 (b) The beer is sold and delivered by an employee of the micro
7 brewer or out-of-state entity that is the substantial equivalent of
8 a micro brewer, not an agent, and is transported and delivered
9 using a vehicle owned by the micro brewer or out-of-state entity
10 that is the substantial equivalent of a micro brewer.

11 (c) The micro brewer or out-of-state entity that is the
12 substantial equivalent of a micro brewer is in compliance with
13 applicable state and federal law and applicable regulatory
14 provisions of this act and rules promulgated by the commission
15 under this act, including, but not limited to, those requirements
16 related to each of the following:

17 (i) Employees that sell and deliver beer to retailers.

18 (ii) Vehicles used to deliver beer to retailers.

19 (iii) Price schedules and temporary price reductions.

20 (iv) 1976 IL 1, MCL 445.571 to 445.576.

21 (d) The micro brewer or out-of-state entity that is the
22 substantial equivalent of a micro brewer sells not more than 2,000
23 barrels of beer total per year. In determining the 2,000-barrel
24 threshold under this subdivision, all brands and labels of a micro
25 brewer or out-of-state equivalent of a micro brewer, whether sold
26 to a wholesaler or a retailer in this state or outside of this
27 state, must be combined. Sales to consumers on the licensed
28 premises of the micro brewer or out-of-state entity that is the
29 substantial equivalent of a micro brewer are not included in



1 determining the 2,000-barrel threshold under this subdivision.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 100th Legislature are
4 enacted into law:

5 (a) Senate Bill No. ____ or House Bill No. 5342 (request no.
6 04270'19).

7 (b) Senate Bill No. ____ or House Bill No. 5344 (request no.
8 04270'19 a).

9 (c) Senate Bill No. ____ or House Bill No. 5348 (request no.
10 04540'19).

11 (d) Senate Bill No. ____ or House Bill No. 5354 (request no.
12 04747'19).

13 (e) Senate Bill No. ____ or House Bill No. 5350 (request no.
14 05038'19).

15 (f) Senate Bill No. ____ or House Bill No. 5349 (request no.
16 05039'19).

17 (g) Senate Bill No. ____ or House Bill No. 5346 (request no.
18 05040'19).

19 (h) Senate Bill No. ____ or House Bill No. 5345 (request no.
20 05041'19).

21 (i) Senate Bill No. ____ or House Bill No. 5342 (request no.
22 05042'19).

23 (j) Senate Bill No. ____ or House Bill No. 5355 (request no.
24 05075'19).

25 (k) Senate Bill No. ____ or House Bill No. 5341 (request no.
26 05076'19).

27 (l) Senate Bill No. ____ or House Bill No. 5347 (request no.
28 05077'19).

29 (m) Senate Bill No. ____ or House Bill No. 5353 (request no.



1 05078'19).

2 (n) Senate Bill No. _____ or House Bill No. _____ (request no.

3 05122'19).

4 (o) Senate Bill No. _____ or House Bill No. 5351 (request no.

5 05151'19).

