

HOUSE BILL No. 5257

(as amended March 9, 2016)

January 27, 2016, Introduced by Reps. Kesto, Franz, Iden, McCready, Schor, Garcia, Hughes, Cox, Lucido, Tedder, Crawford, Yonker, Brett Roberts, Kelly, Clemente, Dianda, Sheppard, Runestad, Webber, Chirkun, Lauwers, Kosowski, Singh and Jacobsen 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 610.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 610. (1) NOTWITHSTANDING SECTION 609, A WHOLESALER,**
2 **MANUFACTURER, OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF WINE,**
3 **OUTSTATE SELLER OF MIXED SPIRIT DRINK, VENDOR OF SPIRITS, BROKER,**
4 **OR RETAILER MAY USE UNPAID SOCIAL MEDIA TO ADVERTISE ANY OF THE**
5 **FOLLOWING [IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS] :**

- 6 **(A) AN ON-PREMISES BRAND PROMOTION.**
- 7 **(B) BEER, WINE, OR SPIRITS TASTINGS UNDER SECTION 537.**
- 8 **(C) A PRODUCT [LOCATION COMMUNICATION] .**
- 9 **(2) AS USED IN THIS SECTION:**
 - 10 **(A) "BROKER" MEANS THAT TERM AS DEFINED IN SECTION 609.**
 - (B) "ON-PREMISES BRAND PROMOTION" MEANS A PROMOTION IN THE**

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1 MANNER PROVIDED BY THE ORDER OF THE COMMISSION ISSUED ON OCTOBER
2 27, 1999. THAT ORDER'S PROHIBITION AGAINST ADVERTISING AN ON-
3 PREMISES PROMOTION BY A PARTY OFF THE LICENSED PREMISES DOES NOT
4 APPLY TO THIS SECTION.

5 (C) "PRODUCT [LOCATION COMMUNICATION]" MEANS A [LISTING OR] PROGRAM
6 THAT ALLOWS AN
7 INDIVIDUAL TO [DETERMINE] THE AVAILABILITY OF A SPECIFIC PRODUCT AT
8 LICENSED RETAILERS IN A CERTAIN GEOGRAPHIC AREA.

9 (D) "SOCIAL MEDIA" MEANS A SERVICE, PLATFORM, OR WEBSITE WHERE
10 USERS COMMUNICATE WITH ONE ANOTHER AND SHARE MEDIA, SUCH AS
11 PICTURES, VIDEOS, MUSIC, AND BLOGS, WITH OTHER USERS FREE OF
12 CHARGE. SOCIAL MEDIA INCLUDES THE WEBSITE OF A WHOLESALER,
13 MANUFACTURER, OUTSTATE SELLER OF BEER, OUTSTATE SELLER OF WINE,
14 OUTSTATE SELLER OF MIXED SPIRIT DRINK, VENDOR OF SPIRITS, BROKER,
15 OR RETAILER.

16 Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.