

**SENATE BILL NO. 253**

February 3, 1999, Introduced by Senators BYRUM, NORTH, A. SMITH, PETERS and YOUNG and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
(MCL 436.1101 to 436.2303) by adding section 1012.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1012. (1) A RETAILER SELLING BEER IN A KEG SHALL DO  
2 ALL OF THE FOLLOWING:

3        (A) ATTACH AN IDENTIFICATION TAG ON THE KEG BEFORE OR AT THE  
4 TIME OF THE SALE OF THE BEER.

5        (B) REQUIRE THE PURCHASER OF THE BEER TO COMPLETE AND SIGN A  
6 RECEIPT SUPPLIED BY THE COMMISSION UNDER SUBSECTION (2) AFTER  
7 PRESENTATION OF A DRIVER LICENSE OR STATE OF MICHIGAN IDENTIFICA-  
8 TION CARD. IF THE PURCHASER OF THE BEER DOES NOT POSSESS A  
9 DRIVER LICENSE OR STATE OF MICHIGAN IDENTIFICATION CARD, THE  
10 RETAILER SHALL NOT SELL BEER IN A KEG TO THE CUSTOMER.

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

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

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

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

21 (3) THE COMMISSION SHALL MAKE IDENTIFICATION TAGS AVAILABLE  
22 TO RETAILERS SELLING BEER IN A KEG. THE IDENTIFICATION TAGS  
23 SHALL BE OF SUCH SIZE AND MATERIALS AS TO MAKE THE IDENTIFICATION  
24 TAGS EASILY REMOVABLE FOR THE PURPOSE OF THE CLEANING AND THE  
25 REUSING OF THE KEG BY THE OWNER OF THE KEG. UPON REQUEST, THE  
26 COMMISSION SHALL DISTRIBUTE AND MAKE AVAILABLE THE TAGS IN  
27 NUMBERED LOTS TO RETAILERS SELLING BEER IN KEGS.

1 (4) RETAILERS SELLING BEER IN A KEG SHALL RETAIN A COPY OF  
2 THE RECEIPT DESCRIBED IN SUBSECTION (2) FOR NOT LESS THAN 30 DAYS  
3 AND SHALL MAKE THOSE COPIES AVAILABLE FOR INSPECTION BY THE COM-  
4 MISSION AND LAW ENFORCEMENT AGENCIES.

5 (5) NOTWITHSTANDING SECTION 909, A PERSON VIOLATING THIS  
6 SECTION UNDER THE FOLLOWING CIRCUMSTANCES IS SUBJECT TO THE FOL-  
7 LOWING APPLICABLE SANCTIONS:

8 (A) A RETAILER WHO HAS FAILED TO APPLY AN IDENTIFICATION TAG  
9 ON A KEG, FAILED TO COMPLETE THE RECEIPT PROVIDED BY THE COMMIS-  
10 SION, OR FAILED TO OBTAIN THE PURCHASER'S SIGNATURE ON THE  
11 RECEIPT IS LIABLE FOR AN ADMINISTRATIVE FINE OF NOT MORE THAN  
12 \$500.00.

13 (B) A PERSON NOT A RETAILER OR A WHOLESALER LICENSED BY THE  
14 COMMISSION WHO HAS POSSESSED A KEG WHICH DOES NOT HAVE ATTACHED  
15 TO IT AN IDENTIFICATION TAG OR WHO HAS PROVIDED FALSE INFORMATION  
16 IN THE PURCHASE OF BEER IN A KEG, OR BOTH, IS GUILTY OF A MISDE-  
17 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS, A  
18 FINE OF NOT MORE THAN \$500.00, OR BOTH.

19 (6) THIS SECTION REQUIRES THE ATTACHING OF A TAG TO A BEER  
20 KEG SOLD AT RETAIL FOR USE BY A MEMBER OF THE GENERAL PUBLIC AND  
21 DOES NOT REQUIRE A RETAILER OR LICENSEE TO ATTACH A TAG TO A KEG  
22 THAT IS BEING USED FOR ON-PREMISE CONSUMPTION ONLY, BEING STORED,  
23 OR BEING TRANSPORTED.

24 (7) THIS SECTION DOES NOT PROHIBIT A COMMISSION AGENT OR A  
25 LAW ENFORCEMENT AGENT FROM RETURNING AN UNTAGGED KEG AND RECEIV-  
26 ING THE KEG DEPOSIT.

1           (8) A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT AN ORDINANCE  
2 THAT CONFLICTS WITH THIS SECTION. IT IS THE INTENT OF THE  
3 LEGISLATURE THAT THIS SECTION PREEMPT ANY ORDINANCE ENACTED IN  
4 CONTRAVENTION OF THIS SECTION. THE REMEDIES IN THIS SECTION ARE  
5 CUMULATIVE, AND THE BRINGING OF A CRIMINAL ACTION DOES NOT PRO-  
6 HIBIT THE BRINGING OF A CIVIL OR ADMINISTRATIVE ACTION AS PRO-  
7 VIDED BY LAW.

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