

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

436.1601 Importation, sale, transportation, and delivery of beer, wine, mixed spirit drink, and mixed wine drink for sale by wholesaler; requirements; commission authority to inspect and seize or destroy.

Sec. 601.

(1) Pursuant to section 2 of Amendment XXI of the Constitution of the United States, this state has an interest in ensuring the safety of beer, wine, mixed spirit drink, and mixed wine drink that is intended to be sold or is sold by wholesalers to retailers for purposes of human consumption. In order to protect the public health and safety, the commission must be able to inspect and seize beer, wine, mixed spirit drink, and mixed wine drink that is in the possession of a wholesaler being offered for sale in this state. The purpose of the inspection described in this subsection is to ensure that the beer, wine, mixed spirit drink, or mixed wine drink meets all of the following conditions:

- (a) The beer, wine, mixed spirit drink, or mixed wine drink has been registered for sale with the commission.
- (b) The beer, wine, mixed spirit drink, or mixed wine drink is not subject to a government mandated or supplier initiated recall.
- (c) The beer, wine, mixed spirit drink, or mixed wine drink is not counterfeit.
- (d) The beer, wine, mixed spirit drink, or mixed wine drink is labeled in conformance with applicable laws, rules, and regulations.
- (e) The beer, wine, mixed spirit drink, or mixed wine drink can be tested by the commission or an agent assigned by the commission.
- (f) The beer, wine, mixed spirit drink, or mixed wine drink is not prohibited by this state.

(2) The commission may seize or destroy beer, wine, mixed spirit drink, and mixed wine drink that does not meet the conditions of subsection (1).

(3) To enable the commission to carry out the functions described in subsections (1) and (2) and to randomly inspect records required to be maintained by a wholesaler under section 217 and R 436.1641 of the Michigan Administrative Code, a wholesaler or an applicant for a wholesaler license must have a warehouse located in this state and licensed by the commission for the storage, sale, and distribution of beer, wine, mixed spirit drink, and mixed wine drink before operating as a wholesaler in this state. This subsection does not require a wholesaler to hold a warehouse license for the wholesaler's licensed premises.

(4) To ensure that all beer, wine, mixed spirit drink, and mixed wine drink sold in this state is subject to this section, the importation, sale, transportation, and delivery of all beer, wine, mixed spirit drink, and mixed wine drink offered for sale by a wholesaler must meet the requirements of section 204.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2019, Act 125, Imd. Eff. Nov. 21, 2019