



Whitmer Vetoes Liquor Bills and Takes the Path of Least Constitutional Resistance

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Governor Gretchen Whitmer by exercising her pocket veto, which takes place when the Governor fails to act on legislation, vetoed Senate Bills (SB) 934 and 1338.

SB 934 allowed more self-distribution privileges for wineries and SB 1338 allowed more self-distribution privileges for distillers.

Although these bills provided great benefits which allowed distillers and wineries more self-distribution privileges to sell to retailers, the bills were fraught with constitutional issues, which would open Michigan up to court challenges.

Specifically, the bills required any distiller or winery that desired self-distribution rights to deliver product in their own company vehicles with their own employees making the delivery.

The proposed laws, even though they don't discriminate on its face, nevertheless have a discriminatory impact on commerce. To illustrate, a Michigan winery or distillery would find it easy to deliver using their own employees and vehicles, however, for a California winery or distillery, delivering across country in their own company vehicles with their own company employees would be very difficult.

Sean O'Leary, the Irish Liquor Lawyer, stated, "Governor Whitmer may have noticed the constitutional issues with the proposed legislation and decided that signing the bills would result in Michigan ending up in court with a likelihood of failure based on court precedent. I believe she took the path of least constitutional resistance by exercising her pocket veto."

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