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Growlers and Growler-Like Containers

Retailer Licensees (without a Brewpub license)

Pursuant to MCL 436.1537(6), eligible merchants may fill growlers of beer. An eligible merchant is a retailer licensee that holds a Specially Designated Merchant license, pursuant to MCL 436.1537(8)(a), located on licensed premises that comply with the requirements for food service establishments under the Food Law of 2000, pursuant to MCL 436.1537(6)(a). A Specially Designated Merchant license may be held by a retailer as a standalone license or may be held in conjunction with Specially Designated Distributor, Class C, Tavern, A-Hotel, B-Hotel, Club, G-1 or G-2 licenses.

Pursuant to MCL 436.1537(8)(b), a growler container that can be filled by a licensed retailer may be any clean, refillable, resealable container that is exclusively intended, and used only, for the sale of beer for consumption off the premises. The capacity of the growler container cannot exceed 1 gallon.

Filling of growlers by eligible retailer licensees must comply with the following requirements:

1. The retailer shall not fill a growler in advance of the sale.
2. The retailer shall only fill growlers from another container that has a capacity of 5 gallons or more.
3. The beer to be filled must have a registration number from the Commission pursuant to administrative rule R 436.1611(1)(d).
4. The growler is sealed and a label is affixed that includes the brand name of the beer, the class of beer*, net contents of the container, and the name of the retailer filling the growler.

**The "class" is, generally speaking, a term like "ale", "malt liquor", "lager", etc. These are designations from the TTB and can be found in the TTB Beverage Alcohol Manual for labeling malt beverages: <https://www.ttb.gov/beer/bam.shtml>.*

Retailer Licensees (with a Brewpub license)

Unlike the aforementioned licensees that can fill growlers under MCL 436.1537, a Brewpub licensee may fill growlers with beer that it produces in compliance with MCL 436.1405(4) even if the licensee does not have a Specially Designated Merchant license*. This section does not reference growlers, but speaks to the labeling of the containers into which its beer will be placed. The labeling requirements in this section mirror those in R 436.1611(1) and growlers labeled under this section do not need to comply with the requirements described under MCL 436.1537.

**A retailer with a Brewpub license that desires to fill growlers of beer that it did not produce must have a Specially Designated Merchant license pursuant to MCL 436.1537(6).*

Micro Brewer or Brewer Licensees

A Micro Brewer or Brewer licensee may fill growlers with beer that it produces in compliance with the requirements of administrative rule R 436.1611(1). A growler filled in advance by Micro Brewer or Brewer licenses is treated no differently than any other container filled by the licensee and must comply with all the state and federal labeling, registration, and tax provisions. A growler filled by a Micro Brewer or Brewer licensee from the tap on the brewery premises at the time of sale is considered a “large glass” under federal regulations and does not need to meet federal labeling requirements.

The requirements for retailers to fill growlers do not apply to Micro Brewer or Brewer licensees.

Wine and Spirits Growler-Like Containers or Bottles

Administrative rule R 436.1716(1) states that wine may only be bottled or sold in Michigan in bottle sizes approved by the TTB. Administrative rule R 436.1829(a) states that spirits must be packaged in accordance with the Michigan administrative rules, which require spirit manufacturers to comply with federal spirit manufacturing regulations pursuant to R 436.1827. Federal regulations have specific container sizes for wine and spirit containers, see <https://www.ttb.gov/images/pdfs/f510010.pdf>. Furthermore, MCL 436.2005(1) states that a licensee is guilty of a violation of the Liquor Control Code if it refills bottles with alcohol, unless the licensee is the original manufacturer of the alcohol pursuant to MCL 436.2005(4).

If a growler-like bottle or container is brand new and is one of the approved container sizes for wine* or spirits, a Small Wine Maker or Small Distiller licensee could initially fill it for sale like it does for any other of its products. A Small Wine Maker or Small Distiller licensee cannot refill growler-like bottles or containers of wine or spirits pursuant to MCL 436.2005, unless the licensee is the original manufacturer of the wine or spirits, the growler is a TTB-approved bottle size, and the growler-like bottle or container is registered and labeled pursuant to state and federal regulations.

**Hard cider is considered wine.*

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