

# HOUSE BILL No. 4164

February 7, 1991, Introduced by Reps. Shugars, Wozniak, Bouchard, Gilmer, Harder, Martin, Brackenridge, Fitzgerald, Law, Dolan, Middleton, Jaye, O'Connor, Middaugh, Munsell, Horton, McBryde, Strand, Bobier, Oxender, McNutt, Bodem, Dalman, Robertson, Willis Bullard, Hillegonds, Nye and Dresch and referred to the Committee on Judiciary.

A bill to amend section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as amended by Act No. 176 of the Public Acts of 1986, being section 436.33b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 33b of Act No. 8 of the Public Acts of  
2 the Extra Session of 1933, as amended by Act No. 176 of the  
3 Public Acts of 1986, being section 436.33b of the Michigan  
4 Compiled Laws, is amended to read as follows:

5       Sec. 33b. (1) A person less than 21 years of age shall not  
6 purchase OR ATTEMPT TO PURCHASE alcoholic liquor, consume alco-  
7 holic liquor in a licensed premises, or possess alcoholic liquor,  
8 except as provided in section 33a(1) of this act. A person less  
9 than 21 years of age who violates this subsection is ~~liable for~~

1 ~~the following civil fines and shall not be~~ GUILTY OF A  
2 MISDEMEANOR AND IS subject to the penalties prescribed in section  
3 50. ~~—~~

4 ~~(i) For the first violation a fine of not more than~~  
5 ~~\$25.00.~~

6 ~~(ii) For a second violation a fine of not more than \$50.00,~~  
7 ~~or participation in substance abuse prevention services as~~  
8 ~~defined in section 6107 of the public health code, Act No. 368 of~~  
9 ~~the Public Acts of 1978, being section 333.6107 of the Michigan~~  
10 ~~Compiled Laws and designated by the administrator of substance~~  
11 ~~abuse services, or both.~~

12 ~~(iii) For a third or subsequent violation a fine of not more~~  
13 ~~than \$100.00, or participation in substance abuse prevention~~  
14 ~~services as defined in section 6107 of the public health code,~~  
15 ~~Act No. 368 of the Public Acts of 1978, and designated by the~~  
16 ~~administrator of substance abuse services, or both.~~

17 (2) ~~Fifty percent of the fines collected under subsection~~  
18 ~~(1) shall be deposited with the state treasurer for deposit in~~  
19 ~~the general fund to the credit of the department of public health~~  
20 ~~for substance abuse treatment and rehabilitation services. IN~~  
21 ADDITION TO THE PENALTIES PRESCRIBED IN SUBSECTION (1), THE COURT  
22 MAY ORDER A PERSON WHO VIOLATES SUBSECTION (1) TO PERFORM COMMU-  
23 NITY SERVICE OR TO APOLOGIZE PUBLICLY FOR THE VIOLATION, OR BOTH,  
24 AND MAY ORDER THE PERSON TO PAY COURT COSTS. THE COURT MAY ORDER  
25 THE PARENTS OR GUARDIAN OF AN UNEMANCIPATED MINOR WHO VIOLATES  
26 SUBSECTION (1) TO PAY THE PENALTY AND COURT COSTS CHARGED AGAINST  
27 THE UNEMANCIPATED MINOR.

1       (3) A person who furnishes fraudulent identification to a  
2 person less than 21 years of age, or a person less than 21 years  
3 of age who uses fraudulent identification to purchase OR ATTEMPT  
4 TO PURCHASE alcoholic liquor, is guilty of a misdemeanor. The  
5 court shall order the secretary of state to suspend, for a period  
6 of 90 days, the ~~operator~~ OPERATOR'S or ~~chauffeur~~ CHAUFFEUR'S  
7 license of a person who is convicted of using fraudulent identi-  
8 fication in violation of this subsection and the ~~operator~~  
9 OPERATOR'S or ~~chauffeur~~ CHAUFFEUR'S license of that person  
10 shall be surrendered to the court. The court shall immediately  
11 forward the surrendered license and a certificate of conviction  
12 to the secretary of state. A suspension ordered under this sub-  
13 section shall be in addition to any other suspension of the  
14 person's ~~operator or chauffeur~~ license.

15       (4) This section ~~shall~~ DOES not ~~be construed to~~ prohibit  
16 a person less than 21 years of age from possessing alcoholic  
17 liquor during regular working hours and in the course of his or  
18 her employment if employed by a person licensed by this act, by  
19 the liquor control commission, or by an agent of the liquor con-  
20 trol commission, if the alcoholic liquor is not possessed for his  
21 or her personal consumption.

22       (5) This section ~~shall~~ DOES not ~~be construed to~~ limit  
23 the civil or criminal liability of the vendor or the vendor's  
24 clerk, servant, agent, or employee for a violation of this act.

25       (6) The consumption of alcoholic liquor by a person under 21  
26 years of age who is enrolled in a course offered by an accredited  
27 post secondary educational institution in an academic building of

1 the institution under the supervision of a faculty member ~~shall~~  
2 IS not ~~be~~ prohibited by this act if the purpose is solely edu-  
3 cational and a necessary ingredient of the course.