

House Bill 4585

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 703 (MCL 436.1703), as amended by 1998  
PA 353.

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

1       Sec. 703. (1) A minor shall not purchase or attempt to pur-  
2 chase alcoholic liquor, consume or attempt to consume alcoholic  
3 liquor, or possess or attempt to possess alcoholic liquor, except  
4 as provided in this section. Notwithstanding section 909, a  
5 minor who violates this subsection is guilty of a misdemeanor  
6 punishable by the following fines and sanctions, and is not  
7 subject to the penalties prescribed in section 909:

8       (a) For the first violation a fine of not more than \$100.00,  
9 and may be ordered to participate in substance abuse prevention  
10 or substance abuse treatment and rehabilitation services as

1 defined in section 6107 of the public health code, 1978 PA 368,  
2 MCL 333.6107, and designated by the administrator of substance  
3 abuse services, and may be ordered to perform community service  
4 and to undergo substance abuse screening and assessment at his or  
5 her own expense as described in subsection (3).

6 (b) For a violation of this subsection following a prior  
7 ~~violation~~ CONVICTION [OR JUVENILE ADJUDICATION FOR A VIOLATION] of  
this subsection or section 33b(1) of  
8 former 1933 (Ex Sess) PA 8, a fine of not more than \$200.00, and  
9 may be ordered to participate in substance abuse prevention or  
10 substance abuse treatment and rehabilitation services as defined  
11 in section 6107 of the public health code, 1978 PA 368,  
12 MCL 333.6107, and designated by the administrator of substance  
13 abuse services, to perform community service, and to undergo sub-  
14 stance abuse screening and assessment at his or her own expense  
15 as described in subsection (3).

16 (c) For a violation of this subsection following 2 or more  
17 ~~prior violations~~ CONVICTIONS [OR JUVENILE ADJUDICATIONS FOR A  
VIOLATION] of this subsection or  
18 section 33b(1) of former 1933 (Ex Sess) PA 8, a fine of not more  
19 than \$500.00, and may be ordered to participate in substance  
20 abuse prevention or substance abuse treatment and rehabilitation  
21 services as defined in section 6107 of the public health code,  
22 1978 PA 368, MCL 333.6107, and designated by the administrator of  
23 substance abuse services, to perform community service, and to  
24 undergo substance abuse screening and assessment at his or her  
25 own expense as described in subsection (3).

26 (2) A person who furnishes fraudulent identification to a  
27 minor, or notwithstanding subsection (1) a minor who uses

1 fraudulent identification to purchase alcoholic liquor, is guilty  
2 of a misdemeanor punishable by imprisonment for not more than 93  
3 days or a fine of not more than \$100.00, or both.

4       (3) The court may order the person convicted of violating  
5 subsection (1) to undergo screening and assessment by a person or  
6 agency as designated by the substance abuse coordinating agency  
7 as defined in section 6103 of the public health code, 1978  
8 PA 368, MCL 333.6103, in order to determine whether the person is  
9 likely to benefit from rehabilitative services, including alcohol  
10 or drug education and alcohol or drug treatment programs.

11       (4) The secretary of state shall suspend the operator's or  
12 chauffeur's license of an individual convicted of violating sub-  
13 section (1) or (2) as provided in section 319 of the Michigan  
14 vehicle code, 1949 PA 300, MCL 257.319.

15       (5) A peace officer who has reasonable cause to believe a  
16 minor has consumed alcoholic liquor may require the person to  
17 submit to a preliminary chemical breath analysis. A peace offi-  
18 cer may arrest a person based in whole or in part upon the  
19 results of a preliminary chemical breath analysis. The results  
20 of a preliminary chemical breath analysis or other acceptable  
21 blood alcohol test are admissible in a criminal prosecution to  
22 determine whether the minor has consumed or possessed alcoholic  
23 liquor. A minor who refuses to submit to a preliminary chemical  
24 breath test analysis as required in this subsection is responsi-  
25 ble for a state civil infraction and may be ordered to pay a  
26 civil fine of not more than \$100.00.

1       (6) A law enforcement agency, upon determining that a person  
2 less than 18 years of age who is not emancipated ~~pursuant to~~  
3 UNDER 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, pos-  
4 sessed, purchased, or attempted to consume, possess, or purchase  
5 alcoholic liquor in violation of subsection (1) shall notify the  
6 parent or parents, custodian, or guardian of the person as to the  
7 nature of the violation if the name of a parent, guardian, or  
8 custodian is reasonably ascertainable by the law enforcement  
9 agency. The notice required by this subsection shall be made not  
10 later than 48 hours after the law enforcement agency determines  
11 that the person who allegedly violated subsection (1) is less  
12 than 18 years of age and not emancipated under 1968 PA 293,  
13 MCL 722.1 to 722.6. The notice may be made by any means reason-  
14 ably calculated to give prompt actual notice including, but not  
15 limited to, notice in person, by telephone, or by first-class  
16 mail. If an individual less than 17 years of age is incarcerated  
17 for violating subsection (1), his or her parents or legal guard-  
18 ian shall be notified immediately as provided in this  
19 subsection.

20       (7) This section does not prohibit a minor from possessing  
21 alcoholic liquor during regular working hours and in the course  
22 of his or her employment if employed by a person licensed by this  
23 act, by the commission, or by an agent of the commission, if the  
24 alcoholic liquor is not possessed for his or her personal  
25 consumption.

1       (8) This section does not limit the civil or criminal  
2 liability of the vendor or the vendor's clerk, servant, agent, or  
3 employee for a violation of this act.

4       (9) The consumption of alcoholic liquor by a minor who is  
5 enrolled in a course offered by an accredited postsecondary edu-  
6 cational institution in an academic building of the institution  
7 under the supervision of a faculty member is not prohibited by  
8 this act if the purpose of the consumption is solely educational  
9 and is a requirement of the course.

10       (10) The consumption by a minor of sacramental wine in con-  
11 nection with religious services at a church, synagogue, or temple  
12 is not prohibited by this act.

13       (11) Subsection (1) does not apply to a minor who partici-  
14 pates in either or both of the following:

15       (a) An undercover operation in which the minor purchases or  
16 receives alcoholic liquor under the direction of the person's  
17 employer and with the prior approval of the local prosecutor's  
18 office as part of an employer-sponsored internal enforcement  
19 action.

20       (b) An undercover operation in which the minor purchases or  
21 receives alcoholic liquor under the direction of the state  
22 police, the commission, or a local police agency as part of an  
23 enforcement action unless the initial or contemporaneous purchase  
24 or receipt of alcoholic liquor by the minor was not under the  
25 direction of the state police, the commission, or the local  
26 police agency and was not part of the undercover operation.

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1       (12) The state police, the commission, or a local police  
2 agency shall not recruit or attempt to recruit a minor for  
3 participation in an undercover operation at the scene of a viola-  
4 tion of subsection (1), section 801(2), or section 701(1).

5       ~~(13) As used in this section:~~

6       ~~(a) "Probate court disposition" means an order of disposi-~~  
7 ~~tion of the probate court or the family division of the circuit~~  
8 ~~court for a child found to be within the provisions of chapter~~  
9 ~~XIIA of 1939 PA 288, MCL 712A.1 to 712A.32.~~

10       ~~(b) "Work location" means, as applicable, either the spe-~~  
11 ~~cific place or places of employment, or the territory or territo-~~  
12 ~~ries regularly visited by the person in pursuance of the person's~~  
13 ~~occupation, or both.~~

14       Enacting section 1. This amendatory act takes effect  
15 October 1, 1999.

16       Enacting section 2. This amendatory act does not take  
17 effect unless all of the following bills of the 90th Legislature  
18 are enacted into law:

19       [(a) Senate Bill No. 556.

20       (b) Senate Bill No. 557.

21       (c) Senate Bill No. 558.

22       (d) Senate Bill No. 559.

23       (e) Senate Bill No. 560.

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3 (f) House Bill No. 4580.

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5 (g) House Bill No. 4583.

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7 (h) House Bill No. 4584.

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9 (i) House Bill No. 4581.

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11 (j) House Bill No. 4582.

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