

**SUBSTITUTE FOR  
HOUSE BILL NO. 4752**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 203 (MCL 436.1203).

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

1       Sec. 203. (1) Except as provided in this section and sec-  
2 tion 301, a sale, delivery, or importation of alcoholic liquor,  
3 including alcoholic liquor for personal use, shall not be made in  
4 this state unless the sale, delivery, or importation is made by  
5 the commission, the commission's authorized agent or distributor,  
6 an authorized distribution agent approved by order of the commis-  
7 sion, a person licensed by the commission, or by prior written  
8 order of the commission.

9       (2) FOR PURPOSES OF SUBSECTION (1), THE SALE, DELIVERY, OR  
10 IMPORTATION OF ALCOHOLIC LIQUOR INCLUDES, BUT IS NOT LIMITED TO,  
11 THE SALE, DELIVERY, OR IMPORTATION OF ALCOHOLIC LIQUOR TRANSACTED

**HB4752, As Passed House, February 16, 2000**

Sub H.B. 4752 (H-3) as amended February 16, 2000

2

1 OR CAUSED TO BE TRANSACTED BY MEANS OF ANY MAIL ORDER, INTERNET,  
2 TELEPHONE, COMPUTER, DEVICE, OR OTHER ELECTRONIC MEANS. SUBJECT  
3 TO SUBSECTION (3), IF A RETAIL SALE, DELIVERY, OR IMPORTATION OF  
4 ALCOHOLIC LIQUOR OCCURS BY ANY SUCH MEANS, THE RETAILER MUST  
5 COMPLY WITH ALL OF THE FOLLOWING:

6 (A) BE APPROPRIATELY LICENSED UNDER THE LAWS OF THIS STATE.

7 (B) PAY ANY APPLICABLE TAXES TO THE COMMISSION.

8 (C) COMPLY WITH ALL PROHIBITIONS OF THE LAWS OF THIS STATE  
9 INCLUDING, BUT NOT LIMITED TO, SALES TO MINORS.

10 (D) VERIFY THE AGE OF THE INDIVIDUAL PURCHASING THE ALCO-  
11 HOLIC LIQUOR BY OBTAINING FROM THE PURCHASER THE PURCHASER'S  
12 DRIVER LICENSE NUMBER, DATE OF BIRTH, STATE OF ISSUANCE, TELE-  
13 PHONE NUMBER, AND ADDRESS OR OTHER VALID DOCUMENTATION OF AGE VIA  
14 FACSIMILE MACHINE, COMPUTER, DEVICE, OR OTHER METHOD APPROVED BY  
15 THE COMMISSION AND RETAIN THE INFORMATION OBTAINED FOR A PERIOD  
16 OF 4 YEARS AFTER THE TRANSACTION IS COMPLETED.

17 (E) UPON REQUEST OF THE COMMISSION, MAKE AVAILABLE TO THE  
18 COMMISSION ANY DOCUMENT USED TO VERIFY THE AGE OF THE INDIVIDUAL  
19 PURCHASING THE ALCOHOLIC LIQUOR FROM THE RETAIL SELLER.

20 (F) STAMP, PRINT, OR LABEL ON THE OUTSIDE [ ] OF  
21 THE SHIPPING CONTAINER IN LETTERS, NOT LESS THAN 1 INCH IN  
22 HEIGHT, THE FOLLOWING: "CONTAINS ALCOHOLIC LIQUOR - MUST BE  
23 DELIVERED TO PURCHASER OR DESIGNATED RECIPIENT ONLY".

24 (G) PLACE A LABEL ON THE TOP PANEL OF THE SHIPPING CONTAINER  
25 CONTAINING THE NAME AND ADDRESS OF THE PURCHASER AND THE NAME OF  
26 THE DESIGNATED RECIPIENT, IF ANY.

03187'99 (H-3)

**HB4752, As Passed House, February 16, 2000**

House Bill No. 4752

3

1       (3) NOTWITHSTANDING SUBSECTION (2), IN THE CASE OF A RETAIL  
2 SALE, DELIVERY, OR IMPORTATION OF ALCOHOLIC LIQUOR OCCURRING BY  
3 ANY MEANS DESCRIBED IN SUBSECTION (2), A PERSON TAKING THE ORDER  
4 ON BEHALF OF THE RETAILER MUST COMPLY WITH SUBSECTION (2)(C)  
5 THROUGH (G).

6       (4) THE PERSON WHO DELIVERS THE ALCOHOLIC LIQUOR SHALL  
7 VERIFY THAT THE PERSON ACCEPTING DELIVERY IS THE PURCHASER OR A  
8 DESIGNATED RECIPIENT RESIDING AT THE SAME ADDRESS AND IS OF LEGAL  
9 AGE TO PURCHASE THE ALCOHOLIC LIQUOR. IF THE DELIVERY PERSON,  
10 AFTER A DILIGENT INQUIRY, DETERMINES THAT THE PURCHASER OR DESIG-  
11 NATED RECIPIENT IS NOT OF LEGAL AGE, THE DELIVERY PERSON SHALL  
12 RETURN THE ALCOHOLIC LIQUOR TO THE RETAILER. A DELIVERY PERSON  
13 WHO RETURNS ALCOHOLIC LIQUOR TO THE RETAILER DUE TO INABILITY TO  
14 OBTAIN THE PURCHASER'S OR DESIGNATED RECIPIENT'S LEGAL AGE IS NOT  
15 LIABLE FOR ANY DAMAGES SUFFERED BY THE PURCHASER OR RETAILER.

16       (5) All spirits for sale, use, storage, or distribution in  
17 this state, shall originally be purchased by and imported into  
18 the state by the commission, or by prior written authority of the  
19 commission.

20       (6) This section ~~shall~~ DOES not apply in the case of an  
21 alcoholic liquor brought into this state for personal or house-  
22 hold use in an amount permitted by federal law by a person of  
23 legal age to purchase alcoholic liquor at the time of reentry  
24 into this state from without the territorial limits of the United  
25 States if the person has been outside the territorial limits of  
26 the United States for more than 48 hours and has not brought

**HB4752, As Passed House, February 16, 2000**

House Bill No. 4752

4

1 alcoholic liquor into the United States during the preceding 30  
2 days.

3       (7) ~~-(2)-~~ Notwithstanding subsection (1), a person who is of  
4 legal age to purchase alcoholic liquor may import from another  
5 state for that person's personal use not more than 312 ounces of  
6 alcoholic liquor that contains less than 21% alcohol by volume.

7       (8) AS USED IN THIS SECTION:

8       (A) "COMPUTER" MEANS ANY CONNECTED, DIRECTLY INTEROPERABLE  
9 OR INTERACTIVE DEVICE, EQUIPMENT, OR FACILITY THAT USES A COM-  
10 PUTER PROGRAM OR OTHER INSTRUCTIONS TO PERFORM SPECIFIC OPERA-  
11 TIONS INCLUDING LOGICAL, ARITHMETIC, OR MEMORY FUNCTIONS WITH OR  
12 ON COMPUTER DATA OR A COMPUTER PROGRAM AND THAT CAN STORE,  
13 RETRIEVE, ALTER, OR COMMUNICATE THE RESULTS OF THE OPERATIONS TO  
14 A PERSON, COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COM-  
15 PUTER NETWORK.

16       (B) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF HARDWIRE  
17 OR WIRELESS COMMUNICATION LINES WITH A COMPUTER THROUGH REMOTE  
18 TERMINALS, OR A COMPLEX CONSISTING OF 2 OR MORE INTERCONNECTED  
19 COMPUTERS.

20       (C) "COMPUTER PROGRAM" MEANS A SERIES OF INTERNAL OR EXTER-  
21 NAL INSTRUCTIONS COMMUNICATED IN A FORM ACCEPTABLE TO A COMPUTER  
22 THAT DIRECTS THE FUNCTIONING OF A COMPUTER, COMPUTER SYSTEM, OR  
23 COMPUTER NETWORK IN A MANNER DESIGNED TO PROVIDE OR PRODUCE PRO-  
24 DUCTS OR RESULTS FROM THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER  
25 NETWORK.

26       (D) "COMPUTER SYSTEM" MEANS A SET OF RELATED, CONNECTED OR  
27 UNCONNECTED, COMPUTER EQUIPMENT, DEVICES, SOFTWARE, OR HARDWARE.

**HB4752, As Passed House, February 16, 2000**

House Bill No. 4752

5

1       (E) "DEVICE" INCLUDES, BUT IS NOT LIMITED TO, AN ELECTRONIC,  
2 MAGNETIC, ELECTROCHEMICAL, BIOCHEMICAL, HYDRAULIC, OPTICAL, OR  
3 ORGANIC OBJECT THAT PERFORMS INPUT, OUTPUT, OR STORAGE FUNCTIONS  
4 BY THE MANIPULATION OF ELECTRONIC, MAGNETIC, OR OTHER IMPULSES.

5       (F) "DILIGENT INQUIRY" MEANS A DILIGENT GOOD FAITH EFFORT TO  
6 DETERMINE THE AGE OF A PERSON, WHICH INCLUDES AT LEAST AN EXAMI-  
7 NATION OF AN OFFICIAL MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE,  
8 AN OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD, OR ANY OTHER  
9 BONA FIDE PICTURE IDENTIFICATION WHICH ESTABLISHES THE IDENTITY  
10 AND AGE OF THE PERSON.