

**SENATE 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

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 PLACING THE ORDER BY
11 OBTAINING FROM HIM OR HER AN AFFIRMATION THAT HE OR SHE IS OF LEGAL
12 AGE TO PURCHASE ALCOHOLIC LIQUOR. THE PERSON RECEIVING AND
13 ACCEPTING THE ORDER SHALL RECORD THE NAME, ADDRESS, DATE OF BIRTH,
14 AND TELEPHONE NUMBER OF THE PERSON PLACING THE ORDER ON THE ORDER
15 FORM OR OTHER VERIFIABLE RECORD OF A TYPE AND GENERATED IN A MANNER
16 APPROVED BY THE COMMISSION.

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

20 (F) STAMP, PRINT, OR LABEL ON THE OUTSIDE OF THE SHIPPING
21 CONTAINER LANGUAGE THAT CLEARLY ESTABLISHES IN A PROMINENT FASH-
22 ION THAT THE PACKAGE CONTAINS ALCOHOLIC LIQUOR AND THAT THE
23 RECIPIENT AT THE TIME OF THE DELIVERY IS REQUIRED TO PROVIDE
IDENTIFICATION VERIFYING HIS OR
24 HER AGE ALONG WITH A SIGNATURE.

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

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 INDIVIDUAL ACCEPTING DELIVERY IS OF LEGAL AGE AND IS
8 EITHER THE INDIVIDUAL WHO PLACED THE ORDER OR THE DESIGNATED
9 RECIPIENT RESIDING AT THE SAME ADDRESS OR IS OTHERWISE AUTHORIZED
10 THROUGH A RULE PROMULGATED UNDER THIS ACT BY THE COMMISSION TO
11 RECEIVE ALCOHOLIC LIQUOR UNDER THIS SECTION. IF THE DELIVERY PERSON,
12 AFTER A DILIGENT INQUIRY, DETERMINES THAT THE PURCHASER OR DESIG-
13 NATED RECIPIENT IS NOT OF LEGAL AGE, THE DELIVERY PERSON SHALL
14 RETURN THE ALCOHOLIC LIQUOR TO THE RETAILER. A DELIVERY PERSON
15 WHO RETURNS ALCOHOLIC LIQUOR TO THE RETAILER DUE TO INABILITY TO
16 OBTAIN THE PURCHASER'S OR DESIGNATED RECIPIENT'S LEGAL AGE IS NOT
17 LIABLE FOR ANY DAMAGES SUFFERED BY THE PURCHASER OR RETAILER.

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

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

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

3 (7) ~~-(2) Notwithstanding subsection (1), a~~ A person who is
4 of legal age to purchase alcoholic liquor may ~~import from~~
5 ~~another state for that person's personal use not more than 312~~
6 ~~ounces of alcoholic liquor that contains less than 21% alcohol by~~
7 ~~volume~~ DO EITHER OF THE FOLLOWING IN RELATION TO [REDACTED]

8 [REDACTED] ALCOHOLIC LIQUOR THAT CONTAINS LESS THAN 21% ALCO-
9 HOL BY VOLUME:

10 (A) PERSONALLY TRANSPORT FROM ANOTHER STATE, ONCE IN A
11 24-HOUR PERIOD, NOT MORE THAN 312 OUNCES OF ALCOHOLIC LIQUOR FOR
12 THAT PERSON'S PERSONAL
13 USE, NOTWITHSTANDING SUBSECTION (1).

14 (B) SHIP OR [REDACTED] IMPORT FROM ANOTHER STATE [REDACTED] ALCOHOLIC
15 LIQUOR FOR THAT PERSON'S PERSONAL USE SO LONG AS THAT PERSONAL
16 IMPORTATION IS DONE IN COMPLIANCE WITH SUBSECTION (1).

17 (8) AS USED IN THIS SECTION:

18 (A) "COMPUTER" MEANS ANY CONNECTED, DIRECTLY INTEROPERABLE
19 OR INTERACTIVE DEVICE, EQUIPMENT, OR FACILITY THAT USES A COM-
20 PUTER PROGRAM OR OTHER INSTRUCTIONS TO PERFORM SPECIFIC OPERA-
21 TIONS INCLUDING LOGICAL, ARITHMETIC, OR MEMORY FUNCTIONS WITH OR
22 ON COMPUTER DATA OR A COMPUTER PROGRAM AND THAT CAN STORE,
23 RETRIEVE, ALTER, OR COMMUNICATE THE RESULTS OF THE OPERATIONS TO
24 A PERSON, COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COM-
25 PUTER NETWORK.

26 (B) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF HARDWIRE
OR WIRELESS COMMUNICATION LINES WITH A COMPUTER THROUGH REMOTE

1 TERMINALS, OR A COMPLEX CONSISTING OF 2 OR MORE INTERCONNECTED
2 COMPUTERS.

3 (C) "COMPUTER PROGRAM" MEANS A SERIES OF INTERNAL OR EXTER-
4 NAL INSTRUCTIONS COMMUNICATED IN A FORM ACCEPTABLE TO A COMPUTER
5 THAT DIRECTS THE FUNCTIONING OF A COMPUTER, COMPUTER SYSTEM, OR
6 COMPUTER NETWORK IN A MANNER DESIGNED TO PROVIDE OR PRODUCE PRO-
7 DUCTS OR RESULTS FROM THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER
8 NETWORK.

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

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

15 (F) "DILIGENT INQUIRY" MEANS A DILIGENT GOOD FAITH EFFORT TO
16 DETERMINE THE AGE OF A PERSON, WHICH INCLUDES AT LEAST AN EXAMI-
17 NATION OF AN OFFICIAL MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE,
18 AN OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD, OR ANY OTHER
19 BONA FIDE PICTURE IDENTIFICATION WHICH ESTABLISHES THE IDENTITY
20 AND AGE OF THE PERSON.