

# HOUSE BILL No. 4036

January 25, 2001, Introduced by Rep. Faunce and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 905 (MCL 436.1905).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 905. (1) Notwithstanding section 903, if a retail  
2 licensee or a retail licensee's clerk, agent, or employee vio-  
3 lates this act by selling or furnishing alcoholic liquor to a  
4 minor, or by allowing a minor to consume alcoholic liquor or pos-  
5 sess alcoholic liquor for personal consumption on the licensed  
6 premises, and if the enforcing agency involved in the prosecution  
7 of the violation is the state police or a local police agency,  
8 the commission shall not take any action under section 903 to  
9 suspend or revoke the licensee's license or assess ~~a penalty~~ AN  
10 ADMINISTRATIVE FINE against the licensee unless enforcement  
11 action is taken against the minor who purchased, consumed, or

1 received the alcoholic liquor from the retail licensee or the  
2 retail licensee's clerk, agent, or employee and, if applicable,  
3 enforcement action is taken under this section against the person  
4 21 years of age or older who sold or furnished the alcoholic  
5 liquor to the minor, INCLUDING THE LICENSEE'S CLERK, AGENT, OR  
6 EMPLOYEE.

7 (2) Subsection (1) does not apply under either of the fol-  
8 lowing circumstances:

9 (a) The enforcing agent involved in the prosecution is a  
10 commission inspector rather than a police agency.

11 (b) The prosecution of the violation is the result of an  
12 undercover operation in which the minor who purchased, consumed,  
13 or received the alcoholic liquor acted under the direction of the  
14 state police or a local police agency as part of the enforcement  
15 action and such enforcement action is otherwise in compliance  
16 with section 701(4).