

Legislative Analysis



LIQUOR CODE REVISIONS

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House Bill 4684

Sponsor: Rep. Frank Accavitti, Jr.

Committee: Regulatory Reform

Complete to 5-11-07

A SUMMARY OF HOUSE BILL 4684 AS INTRODUCED 5-1-07

The bill would amend the Michigan Liquor Control Code to incorporate into the statute several departmental rules that describe prohibited activities on the part of licensees and/or their employees. It would then rescind those rules. This means that these provisions would now be part of the statute and would not be found in department rules.

The bill also would refer to persons in a "visibly intoxicated condition" instead of "intoxicated condition" in the incorporated rules and other existing provisions, and use the term "alcoholic liquor" instead of "alcohol" in several provisions.

The bill would place into the code the following departmental rules and then rescind the rules:

R 436.1005: selling, serving, or furnishing alcoholic liquor to visibly intoxicated person prohibited; allowing visibly intoxicated person to consumer liquor on premises prohibited; licensee, agent, or employees being in visibly intoxicated condition prohibited; permitting visibly intoxicated person to frequent or loiter on licensee's premises prohibited.

The bill would clarify that a prohibited activity would be in regards to a "visibly" intoxicated person or a person in a "visibly" intoxicated condition.

In addition, R 436.1005(4) currently prohibits a licensee from allowing an intoxicated person to frequent or loiter on the licensed premises. Besides applying this prohibition to a "visibly" intoxicated person, the bill would create an exception. A licensee could allow a visibly intoxicated person to remain on the premises if he or she has been refused service of further alcoholic liquor and continues to remain on the premises for the purpose of eating food, seeking medical attention, arranging transportation that does not involve driving himself or herself, or any other circumstances where requiring the person to vacate the premises immediately would be considered dangerous to that person or to the public.

R 436.1009: allowing person under 21 years of age (minor) to consume liquor on premises prohibited; allowing person less than 18 to sell or serve liquor prohibited; allowing person less than 18 to work or entertain on a paid or voluntary basis on premises prohibited unless exempted.

R 436.1013: gambling and gambling devices prohibited.

R 436.1017: prohibited sales of alcoholic liquor.

R 436.1033: prohibited sale, possession, or consumption of alcoholic liquor not purchased from the commission or authorized licensee; exemption for hotels and for members of licensed clubs.

MCL 436.1707 et al.

FISCAL IMPACT:

There is no fiscal impact on the State of Michigan or its local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.