



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4684 (Substitute S-4 as reported)
Sponsor: Representative Frank Accavitti, Jr.
House Committee: Regulatory Reform
Senate Committee: Economic Development and Regulatory Reform

CONTENT

The bill would amend the Michigan Liquor Control Code to do all of the following:

- Include serving or furnishing alcoholic liquor in the prohibition against selling alcohol to an intoxicated person.
- Codify and rescind several administrative rules.
- Prohibit the use of breathalyzer or blood alcohol test results to prove certain violations.

The administrative rules that the bill would codify and rescind generally deal with prohibitions related to: selling to or serving an intoxicated person; allowing an intoxicated person to consume alcohol on or loiter on licensed premises; allowing a minor to consume alcohol on licensed premises; the employment of people under 18 years of age at licensed premises; unlawful gambling on licensed premises; the sale of liquor by an intoxicated licensee or employee; and the sale of alcohol not authorized by a license or properly purchased by a licensee.

Under the bill, a licensee could allow an intoxicated person to frequent or loiter on the licensed premises if he or she had been refused alcohol and continued to remain for the purpose of eating, seeking medical attention, arranging transportation, or any other circumstance in which requiring the person to vacate the premises immediately would be considered dangerous.

Under the bill, evidence of any breathalyzer or blood alcohol test results obtained in a licensed establishment, or on property adjacent to the licensed premises and under the control or ownership of the licensee, would not be admissible to prove a violation of prohibitions against serving an intoxicated person; allowing an intoxicated person to consume liquor on licensed premises or to frequent or loiter on licensed premises; serving liquor to a minor; or, if the offender were a licensee or a licensee's agent or employee, serving liquor in an intoxicated condition.

MCL 436.1707 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 1-31-08

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Analysis available @ <http://www.michiganlegislature.org>

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