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Senate Bill 543 (Substitute S-1)
Sponsor: Senator Curtis S. VanderWall
Committee: Regulatory Reform

Date Completed: 10-15-19

CONTENT

The bill would amend the Michigan Liquor Control Code to revise the definition of "diligent inquiry" as it pertains to selling or furnishing alcoholic liquor to a minor to include the use of a secure identity verification device.

Under the Code, alcoholic liquor may not be sold or furnished to a minor. A person who knowingly sells or furnishes alcoholic liquor to a minor, or who fails to make diligent inquiry as to whether the individual is a minor, is guilty of a misdemeanor. The Code prescribes separate penalties for retail licensees who violate this prohibition. "Retail licensee" would mean a person licensed to sell alcoholic liquor at retail for consumption on or off the licensed premises.

"Diligent inquiry" means a diligent good faith effort to determine the age of an individual, which includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the person. The bill would include in the definition the use of a secure identity verification device if all of the following conditions are met:

- The electronic scan of a biometric of the individual is referenced against any form of picture identification described above.
- The authenticity of the picture identification was previously verified by an electronic authentication process.
- The identity of the individual was previously verified through a commercially available knowledge-based electronic authentication process.
- The authenticated picture identification was securely linked to biometrics contemporaneously collected from the individual.

"Secure identity verification device" would mean a commercial device that instantly verified the identity and age of an individual by an electronic scan of a biometric of the individual.

MCL 436.1701

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

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

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.