

HOUSE BILL No. 5815

March 19, 2002, Introduced by Reps. George, Hummel, Gosselin, Voorhees, Birkholz, Vander Veen, DeWeese, Tabor and Lemmons 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 703 (MCL 436.1703), as amended by 1999 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 703. (1) A minor shall not purchase or attempt to pur-
2 chase alcoholic liquor, consume or attempt to consume alcoholic
3 liquor, or possess or attempt to possess alcoholic liquor, except
4 as provided in this section. Notwithstanding section 909, a
5 minor who violates this subsection is guilty of a misdemeanor
6 punishable by the following fines and sanctions: ~~—, and is not~~
7 ~~subject to the penalties prescribed in section 909:~~

8 (a) For the first violation a fine of not more than \$100.00,
9 and may be ordered to participate in substance abuse prevention
10 SERVICES or substance abuse treatment and rehabilitation services

1 as defined in section 6107 of the public health code, 1978
2 PA 368, MCL 333.6107, and designated by the administrator of sub-
3 stance abuse services, and may be ordered to perform community
4 service and to undergo substance abuse screening and assessment
5 at his or her own expense as described in subsection (3).

6 (b) For a violation of this subsection following a prior
7 conviction or juvenile adjudication for a violation of this sub-
8 section or section 33b(1) of former 1933 (Ex Sess) PA 8, a fine
9 of not more than \$200.00, and may be ordered to participate in
10 substance abuse prevention SERVICES or substance abuse treatment
11 and rehabilitation services as defined in section 6107 of the
12 public health code, 1978 PA 368, MCL 333.6107, and designated by
13 the administrator of substance abuse services, to perform commu-
14 nity service, and to undergo substance abuse screening and
15 assessment at his or her own expense as described in subsection
16 (3).

17 (c) For a violation of this subsection following 2 or more
18 prior convictions or juvenile adjudications for a violation of
19 this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,
20 a fine of not more than \$500.00, and may be ordered to partici-
21 pate in substance abuse prevention SERVICES or substance abuse
22 treatment and rehabilitation services as defined in section 6107
23 of the public health code, 1978 PA 368, MCL 333.6107, and desig-
24 nated by the administrator of substance abuse services, to per-
25 form community service, and to undergo substance abuse screening
26 and assessment at his or her own expense as described in
27 subsection (3).

1 (2) A person who furnishes fraudulent identification to a
2 minor ~~—~~ or, notwithstanding subsection (1), a minor who uses
3 fraudulent identification to purchase alcoholic liquor ~~—~~ is
4 guilty of a misdemeanor punishable by imprisonment for not more
5 than 93 days or a fine of not more than \$100.00, or both.

6 (3) The court may order the person convicted of violating
7 subsection (1) to undergo screening and assessment by a person or
8 agency as designated by the substance abuse coordinating agency
9 as defined in section 6103 of the public health code, 1978
10 PA 368, MCL 333.6103, in order to determine whether the person is
11 likely to benefit from rehabilitative services, including alcohol
12 or drug education and alcohol or drug treatment programs.

13 (4) The secretary of state shall suspend the operator's or
14 chauffeur's license of an individual convicted of violating sub-
15 section (1) or (2) as provided in section 319 of the Michigan
16 vehicle code, 1949 PA 300, MCL 257.319.

17 (5) A peace officer who has reasonable cause to believe a
18 minor has consumed alcoholic liquor may require the person to
19 submit to a preliminary chemical breath analysis. A peace offi-
20 cer may arrest a person based in whole or in part upon the
21 results of a preliminary chemical breath analysis. The results
22 of a preliminary chemical breath analysis or other acceptable
23 blood alcohol test are admissible in a criminal prosecution to
24 determine whether the minor has consumed or possessed alcoholic
25 liquor. A minor who refuses to submit to a preliminary chemical
26 breath test analysis as required in this subsection is

1 responsible for a state civil infraction and may be ordered to
2 pay a civil fine of not more than \$100.00.

3 (6) A law enforcement agency, upon determining that a person
4 less than 18 years of age who is not emancipated under 1968
5 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, pur-
6 chased, or attempted to consume, possess, or purchase alcoholic
7 liquor in violation of subsection (1) shall notify the parent or
8 parents, custodian, or guardian of the person as to the nature of
9 the violation if the name of a parent, guardian, or custodian is
10 reasonably ascertainable by the law enforcement agency. The
11 notice required by this subsection shall be made not later than
12 48 hours after the law enforcement agency determines that the
13 person who allegedly violated subsection (1) is less than 18
14 years of age and not emancipated under 1968 PA 293, MCL 722.1 to
15 722.6. The notice may be made by any means reasonably calculated
16 to give prompt actual notice including, but not limited to,
17 notice in person, by telephone, or by first-class mail. If an
18 individual less than 17 years of age is incarcerated for violat-
19 ing subsection (1), his or her parents or legal guardian shall be
20 notified immediately as provided in this subsection.

21 (7) This section does not prohibit a minor from possessing
22 alcoholic liquor during regular working hours and in the course
23 of his or her employment if employed by a person licensed by this
24 act, by the commission, or by an agent of the commission, if the
25 alcoholic liquor is not possessed for his or her personal
26 consumption.

1 (8) This section does not limit the civil or criminal
2 liability of the vendor or the vendor's clerk, servant, agent, or
3 employee for a violation of this act.

4 ~~(9) The consumption of alcoholic liquor by a minor who is~~
5 ~~enrolled in a course offered by an accredited postsecondary edu-~~
6 ~~cational institution in an academic building of the institution~~
7 ~~under the supervision of a faculty member is not prohibited by~~
8 ~~this act if the purpose of the consumption is solely educational~~
9 ~~and is a requirement of the course.~~

10 (9) ~~(10)~~ The consumption by a minor of sacramental wine in
11 connection with religious services at a church, synagogue, or
12 temple is not prohibited by this act.

13 (10) ~~(11)~~ Subsection (1) does not apply to a minor who
14 participates in either or both of the following:

15 (a) An undercover operation in which the minor purchases or
16 receives alcoholic liquor under the direction of the person's
17 employer and with the prior approval of the local prosecutor's
18 office as part of an employer-sponsored internal enforcement
19 action.

20 (b) An undercover operation in which the minor purchases or
21 receives alcoholic liquor under the direction of the state
22 police, the commission, or a local police agency as part of an
23 enforcement action unless the initial or contemporaneous purchase
24 or receipt of alcoholic liquor by the minor was not under the
25 direction of the state police, the commission, or the local
26 police agency and was not part of the undercover operation.

1 (11) ~~(12)~~ The state police, the commission, or a local
2 police agency shall not recruit or attempt to recruit a minor for
3 participation in an undercover operation at the scene of a viola-
4 tion of subsection (1), section 801(2), or section 701(1).