

SENATE BILL NO. 526

April 20, 1999, Introduced by Senators BENNETT, MC COTTER, NORTH, HAMMERSTROM, JOHNSON, ROGERS, GOUGEON, SHUGARS and BYRUM and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 203 (MCL 436.1203).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 203. (1) Except as provided in this section and sec-
2 tion 301, a sale, delivery, or importation of alcoholic liquor,
3 including alcoholic liquor for personal use, shall not be made in
4 this state unless the sale, delivery, or importation is made by
5 the commission, the commission's authorized agent or distributor,
6 an authorized distribution agent approved by order of the commis-
7 sion, a person licensed by the commission, or by prior written
8 order of the commission.

9 (2) FOR PURPOSES OF SUBSECTION (1), THE SALE, DELIVERY, OR
10 IMPORTATION OF ALCOHOLIC LIQUOR INCLUDES, BUT IS NOT LIMITED TO,
11 ANY TRANSACTION CONDUCTED BY TELEPHONIC, COMPUTER, OR OTHER

1 ELECTRONIC MEANS. IF A SALE, DELIVERY, OR IMPORTATION OF
2 ALCOHOLIC LIQUOR OCCURS BY ANY SUCH MEANS, THE SELLER OR DISTRIB-
3 UTOR MUST BE APPROPRIATELY LICENSED UNDER THIS ACT, PAY ANY
4 APPLICABLE TAXES TO THE COMMISSION, AND COMPLY WITH ALL PROHIBI-
5 TIONS OF THIS ACT INCLUDING, BUT NOT LIMITED TO, SALES TO
6 MINORS. THE SELLER OR DISTRIBUTOR SHALL ASSURE THAT THE PERSON
7 WHO DELIVERS THE ALCOHOLIC LIQUOR VERIFIES THAT THE PURCHASER IS
8 OF LEGAL AGE TO PURCHASE THE ALCOHOLIC LIQUOR. IF THE DELIVERY
9 PERSON DETERMINES THAT THE PURCHASER IS NOT OF LEGAL AGE, THE
10 DELIVERY PERSON SHALL RETURN THE ALCOHOLIC LIQUOR TO THE SELLER
11 OR DISTRIBUTOR. IF THE PURCHASER IS NOT PRESENT AT THE TIME OF
12 DELIVERY, THE DELIVERY PERSON MAY LEAVE THE ALCOHOLIC LIQUOR WITH
13 A MEMBER OF THE PURCHASER'S HOUSEHOLD IF THE DELIVERY PERSON
14 DETERMINES THAT THE INDIVIDUAL IS OF LEGAL AGE TO PURCHASE ALCO-
15 HOLIC LIQUOR.

16 (3) All spirits for sale, use, storage, or distribution in
17 this state, shall originally be purchased by and imported into
18 the state by the commission, or by prior written authority of the
19 commission.

20 (4) This section ~~shall~~ DOES not apply in the case of an
21 alcoholic liquor brought into this state for personal or house-
22 hold use in an amount permitted by federal law by a person of
23 legal age to purchase alcoholic liquor at the time of reentry
24 into this state from without the territorial limits of the United
25 States if the person has been outside the territorial limits of
26 the United States for more than 48 hours and has not brought

1 alcoholic liquor into the United States during the preceding 30
2 days.

3 (5) ~~—(2)—~~ Notwithstanding subsection (1), a person who is of
4 legal age to purchase alcoholic liquor may import from another
5 state for that person's personal use not more than 312 ounces of
6 alcoholic liquor that contains less than 21% alcohol by volume.