

HOUSE BILL No. 4819

June 10, 2003, Introduced by Reps. Adamini, Brown, Bieda, Minore, Anderson, Casperson,
Law and Plakas 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
2 purchase alcoholic liquor, consume or attempt to consume
3 alcoholic liquor, ~~or~~ possess or attempt to possess alcoholic
4 liquor, **or have any bodily alcohol content**, except as provided in
5 this section. ~~Notwithstanding section 909, a~~ A minor who
6 violates this subsection is guilty of a misdemeanor punishable by
7 the following fines and sanctions ~~—~~ and is not subject to the
8 penalties prescribed in section 909:

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

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

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

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

1 in subsection (3).

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

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

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

18 (5) A peace officer who has reasonable cause to believe a
19 minor has consumed alcoholic liquor **or has any bodily alcohol**
20 **content** may require the person to submit to a preliminary
21 chemical breath analysis. A peace officer may arrest a person
22 based in whole or in part upon the results of a preliminary
23 chemical breath analysis. The results of a preliminary chemical
24 breath analysis or other acceptable blood alcohol test are
25 admissible in a criminal prosecution to determine whether the
26 minor has consumed or possessed alcoholic liquor **or had any**
27 **bodily alcohol content**. A minor who refuses to submit to a

1 preliminary chemical breath test analysis as required in this
2 subsection is responsible for a state civil infraction and may be
3 ordered to pay a civil fine of not more than \$100.00.

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

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

1 consumption.

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

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

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

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

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

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

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

5 (13) As used in this section, "any bodily alcohol content"
6 means that term as defined in section 625 of the Michigan vehicle
7 code, 1949 PA 300, MCL 257.625.