

# HOUSE BILL No. 4557

May 2, 2017, Introduced by Reps. Bellino, Geiss, Neeley, Cox, Allor, Schor, Afendoulis and Moss 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 909 (MCL 436.1909), as amended by 2010 PA 175.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 909. (1) Except as otherwise provided in this act, a  
2       person, other than a person required to be licensed under this act,  
3       who violates this act is guilty of a misdemeanor.

4       (2) Except as otherwise provided in this act, a licensee who  
5       violates this act, or a rule or regulation promulgated under this  
6       act, is guilty of a misdemeanor punishable by imprisonment for not  
7       more than 6 months or a fine of not more than \$500.00, or both.

8       (3) A person who performs ~~any~~ **AN** act for which a license is  
9       required under this act without first obtaining that license or who  
10      sells alcoholic liquor in a county that has prohibited the sale of

1 alcoholic liquor under section 1107 is guilty of a felony  
2 punishable by imprisonment for not more than 1 year or by a fine of  
3 not more than \$1,000.00, or both.

4 (4) A person, whether or not a licensee, who violates section  
5 901(4) is subject to the following penalties or sanctions:

6 (a) A person who sells, delivers, or imports spirits in  
7 violation of section 901(4) in the amount of at least 80,000  
8 milliliters is guilty of a felony punishable by imprisonment for  
9 not more than 4 years or a fine of not more than \$5,000.00, or  
10 both.

11 (b) A person who sells, delivers, or imports spirits in  
12 violation of section 901(4) in the amount of at least 8,000  
13 milliliters but less than 80,000 milliliters is guilty of a  
14 misdemeanor punishable by imprisonment for not more than 93 days or  
15 a fine of not more than \$2,500.00, or both.

16 (c) A person who sells, delivers, or imports spirits in  
17 violation of section 901(4) in the amount of less than 8,000  
18 milliliters is responsible for a state civil infraction and may be  
19 ordered to pay a civil fine of not more than \$1,000.00.

20 **(5) A PERSON, WHETHER OR NOT A LICENSEE, WHO SELLS, DELIVERS,**  
21 **OR IMPORTS BEER OR WINE IN VIOLATION OF SECTION 203(1) IS SUBJECT**  
22 **TO THE FOLLOWING PENALTIES OR SANCTIONS:**

23 **(A) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN**  
24 **VIOLATION OF SECTION 203(1) IN THE AMOUNT OF AT LEAST 225,000**  
25 **MILLILITERS IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR**  
26 **NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR**  
27 **BOTH.**

1           (B) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN  
2 VIOLATION OF SECTION 203(1) IN THE AMOUNT OF AT LEAST 45,000  
3 MILLILITERS BUT LESS THAN 225,000 MILLILITERS IS GUILTY OF A  
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR  
5 A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

6           (C) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN  
7 VIOLATION OF SECTION 203(1) IN THE AMOUNT OF LESS THAN 45,000  
8 MILLILITERS IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE  
9 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.

10          (6) ~~(5)~~—The remedies under this act are cumulative and  
11 independent. The use of 1 remedy by a person does not bar the use  
12 of other lawful remedies by ~~that~~ **THE** person or the use of a lawful  
13 remedy by another person.

14          (7) ~~(6)~~—It is the intent of the legislature that the court, in  
15 imposing punishment under this section, should discriminate between  
16 casual or slight violations and habitual sales of alcoholic liquor  
17 or attempts to commercialize violations of this act or the rules or  
18 regulations promulgated under this act.

19          Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.