

SUBSTITUTE FOR  
SENATE BILL NO. 332

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 703 (MCL 436.1703), as amended by 2012 PA 125.

**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 alcoholic  
3 liquor, possess or attempt to possess alcoholic liquor, or have any  
4 bodily alcohol content, except as provided in this section. A minor  
5 who violates this subsection is **RESPONSIBLE FOR A STATE CIVIL**  
6 **INFRACTION OR** guilty of a misdemeanor ~~punishable by the following~~  
7 ~~finer and sanctions~~ **AS FOLLOWS** and is not subject to the penalties  
8 prescribed in section 909:

9       (a) For the first violation, ~~by~~ **THE MINOR IS RESPONSIBLE FOR** a  
10 ~~fine of~~ **STATE CIVIL INFRACTION AND SHALL BE FINED** not more than  
11 \$100.00. A court may order a minor under this subdivision to

1 participate in substance ~~abuse prevention services or substance~~  
2 ~~abuse treatment and rehabilitation~~ **USE DISORDER** services as defined  
3 in section ~~6107-6230~~ of the public health code, 1978 PA 368, MCL  
4 ~~333.6107, 333.6230~~, and designated by the administrator of the  
5 office of substance abuse services, and may order ~~that~~ **THE** minor to  
6 perform community service and to undergo substance abuse screening  
7 and assessment at his or her own expense as described in subsection  
8 (5). **A MINOR MAY BE FOUND RESPONSIBLE OR ADMIT RESPONSIBILITY ONLY**  
9 **ONCE UNDER THIS SUBDIVISION.**

10 (b) ~~For a second violation of~~ **IF A VIOLATION OF THIS**  
11 **SUBSECTION OCCURS AFTER 1 PRIOR JUDGMENT FOR VIOLATING** this  
12 subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a  
13 local ordinance substantially corresponding to this subsection or  
14 section 33b(1) of former 1933 (Ex Sess) PA 8, **THE MINOR IS GUILTY**  
15 **OF A MISDEMEANOR. A MISDEMEANOR UNDER THIS SUBDIVISION IS**  
16 **PUNISHABLE** by imprisonment for not more than 30 days ~~but only if~~  
17 the court finds that the minor violated an order of probation,  
18 failed to successfully complete any treatment, screening, or  
19 community service ordered by the court, or failed to pay any fine  
20 for that conviction or juvenile adjudication, by a fine of not more  
21 than \$200.00, or both. A court may order a minor under this  
22 subdivision to participate in substance ~~abuse prevention services~~  
23 ~~or substance abuse treatment and rehabilitation~~ **USE DISORDER**  
24 services as defined in section ~~6107-6230~~ of the public health code,  
25 1978 PA 368, MCL ~~333.6107, 333.6230~~, and designated by the  
26 administrator of the office of substance abuse services, to perform  
27 community service, and to undergo substance abuse screening and

1 assessment at his or her own expense as described in subsection  
2 (5).

3 (c) ~~For a third or subsequent violation~~ **IF A VIOLATION OF THIS**  
4 **SUBSECTION OCCURS AFTER 2 OR MORE PRIOR JUDGMENTS** of this  
5 subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a  
6 local ordinance substantially corresponding to this subsection or  
7 section 33b(1) of former 1933 (Ex Sess) PA 8, **THE MINOR IS GUILTY**  
8 **OF A MISDEMEANOR. A MISDEMEANOR UNDER THIS SUBDIVISION IS**  
9 **PUNISHABLE** by imprisonment for not more than 60 days, ~~but only if~~  
10 the court finds that the minor violated an order of probation,  
11 failed to successfully complete any treatment, screening, or  
12 community service ordered by the court, or failed to pay any fine  
13 for that conviction or juvenile adjudication, by a fine of not more  
14 than \$500.00, or both, **AS APPLICABLE**. A court may order a minor  
15 under this subdivision to participate in substance ~~abuse prevention~~  
16 ~~services or substance abuse treatment and rehabilitation~~ **USE**  
17 **DISORDER** services as defined in section ~~6107-6230~~ of the public  
18 health code, 1978 PA 368, MCL ~~333.6107, 333.6230~~, and designated by  
19 the administrator of the office of substance abuse services, to  
20 perform community service, and to undergo substance abuse screening  
21 and assessment at his or her own expense as described in subsection  
22 (5).

23 (2) An individual who furnishes fraudulent identification to a  
24 minor ~~—~~or, notwithstanding subsection (1), a minor who uses  
25 fraudulent identification to purchase alcoholic liquor, is guilty  
26 of a misdemeanor punishable by imprisonment for not more than 93  
27 days or a fine of not more than \$100.00, or both.

1           (3) ~~When~~ **IF** an individual who has ~~not previously been~~  
2 ~~convicted~~ **NO PRIOR JUDGMENTS** of ~~or received a juvenile adjudication~~  
3 ~~for a~~ **MISDEMEANOR** violation of subsection (1) pleads guilty to a  
4 **MISDEMEANOR** violation of subsection (1) or offers a plea of  
5 admission in a juvenile delinquency proceeding for a **MISDEMEANOR**  
6 violation of subsection (1), the court, without entering a judgment  
7 of guilt in a criminal proceeding or a determination in a juvenile  
8 delinquency proceeding that the juvenile has committed the offense  
9 and with the consent of the accused, may defer further proceedings  
10 and place the individual on probation. The terms and conditions of  
11 that probation include, but are not limited to, the sanctions set  
12 forth in subsection ~~(1)(a)~~, **(1)(C)**, payment of the costs including  
13 minimum state cost as provided for in section 18m of chapter XIIA  
14 of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section  
15 1j of chapter IX of the code of criminal procedure, 1927 PA 175,  
16 MCL 769.1j, and the costs of probation as prescribed in section 3  
17 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL  
18 771.3. If a court finds that an individual violated a term or  
19 condition of probation or that the individual is utilizing this  
20 subsection in another court, the court may enter an adjudication of  
21 guilt, or a determination in a juvenile delinquency proceeding that  
22 the individual has committed the offense, and proceed as otherwise  
23 provided by law. If an individual fulfills the terms and conditions  
24 of probation, the court shall discharge the individual and dismiss  
25 the proceedings. ~~Discharge~~ **A DISCHARGE** and dismissal under this  
26 section ~~shall be~~ **IS** without adjudication of guilt or without a  
27 determination in a juvenile delinquency proceeding that the

1 individual has committed the offense and is not a conviction or  
2 juvenile adjudication for purposes of disqualifications or  
3 disabilities imposed by law ~~upon~~**ON** conviction of a crime. An  
4 individual may obtain only 1 discharge and dismissal under this  
5 subsection. The court shall maintain a nonpublic record of the  
6 matter while proceedings are deferred and the individual is on  
7 probation and if there is a discharge and dismissal under this  
8 subsection. The secretary of state shall retain a nonpublic record  
9 of a plea and of the discharge and dismissal under this subsection.

10 These records shall be furnished to any of the following:

11 (a) To a court, prosecutor, or police agency ~~upon~~**ON** request  
12 for the purpose of determining if an individual has already  
13 utilized this subsection.

14 (b) To the department of corrections, a prosecutor, or a law  
15 enforcement agency, ~~upon~~**ON** the department's, a prosecutor's, or a  
16 law enforcement agency's request, subject to all of the following  
17 conditions:

18 (i) At the time of the request, the individual is an employee  
19 of the department of corrections, the prosecutor, or the law  
20 enforcement agency, or an applicant for employment with the  
21 department of corrections, the prosecutor, or the law enforcement  
22 agency.

23 (ii) The record is used by the department of corrections, the  
24 prosecutor, or the law enforcement agency only to determine whether  
25 an employee has violated his or her conditions of employment or  
26 whether an applicant meets criteria for employment.

27 (4) A **MISDEMEANOR** violation of subsection (1) successfully

1 deferred, discharged, and dismissed under subsection (3) is  
2 considered a prior ~~violation~~-**JUDGMENT** for the purposes of  
3 subsection ~~(1)(b) and (c)~~. **(1)(C)**.

4 (5) A court may order an individual **FOUND RESPONSIBLE FOR OR**  
5 convicted of violating subsection (1) to undergo screening and  
6 assessment by a person or agency as designated by the ~~substance~~  
7 ~~abuse coordinating agency as defined in section 6103 of the public~~  
8 ~~health code, 1978 PA 368, MCL 333.6103, in order~~ **DEPARTMENT-**  
9 **DESIGNATED COMMUNITY MENTAL HEALTH ENTITY AS DEFINED IN SECTION**  
10 **100A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100A,** to  
11 determine whether the individual is likely to benefit from  
12 rehabilitative services, including alcohol or drug education and  
13 alcohol or drug treatment programs. A court may order an individual  
14 subject to a **MISDEMEANOR** conviction or juvenile adjudication of, or  
15 placed on probation regarding, a violation of subsection (1) to  
16 submit to a random or regular preliminary chemical breath analysis.  
17 The parent, guardian, or custodian of a minor ~~under~~ **WHO IS LESS**  
18 **THAN** 18 years of age not emancipated under 1968 PA 293, MCL 722.1  
19 to 722.6, may request a random or regular preliminary chemical  
20 breath analysis as part of the probation.

21 (6) The secretary of state shall suspend the operator's or  
22 chauffeur's license of an individual convicted of ~~violating~~ **A**  
23 **SECOND OR SUBSEQUENT VIOLATION OF** subsection (1) or **OF VIOLATING**  
24 **SUBSECTION** (2) as provided in section 319 of the Michigan vehicle  
25 code, 1949 PA 300, MCL 257.319.

26 (7) A peace officer who has reasonable cause to believe a  
27 minor has consumed alcoholic liquor or has any bodily alcohol

1 content may ~~require~~ **REQUEST** that individual to submit to a  
2 preliminary chemical breath analysis. ~~A peace officer may arrest an~~  
3 ~~individual based in whole or in part upon the results of a~~  
4 ~~preliminary chemical breath analysis.~~ The results of a preliminary  
5 chemical breath analysis or other acceptable blood alcohol test are  
6 admissible in a **STATE CIVIL INFRACTION PROCEEDING OR** criminal  
7 prosecution to determine ~~whether~~ **IF** the minor has consumed or  
8 possessed alcoholic liquor or had any bodily alcohol content. ~~A~~  
9 ~~minor who refuses to submit to a preliminary chemical breath test~~  
10 ~~analysis as required in this subsection is responsible for a state~~  
11 ~~civil infraction and may be ordered to pay a civil fine of not more~~  
12 ~~than \$100.00.~~

13 (8) A law enforcement agency, ~~upon~~ **ON** determining that an  
14 individual less than 18 years of age who is not emancipated under  
15 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed,  
16 purchased alcoholic liquor, attempted to consume, possess, or  
17 purchase alcoholic liquor, or had any bodily alcohol content in  
18 violation of subsection (1) shall notify the parent or parents,  
19 custodian, or guardian of the individual as to the nature of the  
20 violation if the name of a parent, guardian, or custodian is  
21 reasonably ascertainable by the law enforcement agency. The law  
22 enforcement agency shall notify the parent, guardian, or custodian  
23 not later than 48 hours after the law enforcement agency determines  
24 that the individual who allegedly violated subsection (1) is less  
25 than 18 years of age and not emancipated under 1968 PA 293, MCL  
26 722.1 to 722.6. The law enforcement agency may notify the parent,  
27 guardian, or custodian by any means reasonably calculated to give

1 prompt actual notice including, but not limited to, notice in  
2 person, by telephone, or by first-class mail. If an individual less  
3 than 17 years of age is incarcerated for violating subsection (1),  
4 his or her parents or legal guardian shall be notified immediately  
5 as provided in this subsection.

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

12 (10) The following individuals are not considered to be in  
13 violation of subsection (1):

14 (a) A minor who has consumed alcoholic liquor and who  
15 voluntarily presents himself or herself to a health facility or  
16 agency for treatment or for observation including, but not limited  
17 to, medical examination and treatment for any condition arising  
18 from a violation of sections 520b to 520g of the Michigan penal  
19 code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a  
20 minor.

21 (b) A minor who accompanies an individual who meets both of  
22 the following criteria:

23 (i) Has consumed alcoholic liquor.

24 (ii) Voluntarily presents himself or herself to a health  
25 facility or agency for treatment or for observation including, but  
26 not limited to, medical examination and treatment for any condition  
27 arising from a violation of sections 520b to 520g of the Michigan



1 penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed  
2 against a minor.

3 (c) A minor who initiates contact with a peace officer or  
4 emergency medical services personnel for the purpose of obtaining  
5 medical assistance for a legitimate health care concern.

6 (11) If a minor ~~under the age of~~ **WHO IS LESS THAN 18 YEARS OF**  
7 **AGE AND** who is not emancipated under 1968 PA 293, MCL 722.1 to  
8 722.6, voluntarily presents himself or herself to a health facility  
9 or agency for treatment or for observation as provided under  
10 subsection (10), the health facility or agency shall notify the  
11 parent or parents, guardian, or custodian of the individual as to  
12 the nature of the treatment or observation if the name of a parent,  
13 guardian, or custodian is reasonably ascertainable by the health  
14 facility or agency.

15 (12) This section does not limit the civil or criminal  
16 liability of a vendor or the vendor's clerk, servant, agent, or  
17 employee for a violation of this act.

18 (13) The consumption of alcoholic liquor by a minor who is  
19 enrolled in a course offered by an accredited postsecondary  
20 educational institution in an academic building of the institution  
21 under the supervision of a faculty member is not prohibited by this  
22 act if the purpose of the consumption is solely educational and is  
23 a requirement of the course.

24 (14) The consumption by a minor of sacramental wine in  
25 connection with religious services at a church, synagogue, or  
26 temple is not prohibited by this act.

27 (15) Subsection (1) does not apply to a minor who participates

1 in either or both of the following:

2 (a) An undercover operation in which the minor purchases or  
3 receives alcoholic liquor under the direction of the person's  
4 employer and with the prior approval of the local prosecutor's  
5 office as part of an employer-sponsored internal enforcement  
6 action.

7 (b) An undercover operation in which the minor purchases or  
8 receives alcoholic liquor under the direction of the state police,  
9 the commission, or a local police agency as part of an enforcement  
10 action unless the initial or contemporaneous purchase or receipt of  
11 alcoholic liquor by the minor was not under the direction of the  
12 state police, the commission, or the local police agency and was  
13 not part of the undercover operation.

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

18 (17) In a ~~criminal~~ prosecution for the violation of subsection  
19 (1) concerning a minor having any bodily alcohol content, it is an  
20 affirmative defense that the minor consumed the alcoholic liquor in  
21 a venue or location where that consumption is legal.

22 (18) As used in this section:

23 (a) "Any bodily alcohol content" means either of the  
24 following:

25 (i) An alcohol content of 0.02 grams or more per 100  
26 milliliters of blood, per 210 liters of breath, or per 67  
27 milliliters of urine.

1           (ii) Any presence of alcohol within a person's body resulting  
2 from the consumption of alcoholic liquor, other than consumption of  
3 alcoholic liquor as a part of a generally recognized religious  
4 service or ceremony.

5           (b) "Emergency medical services personnel" means that term as  
6 defined in section 20904 of the public health code, 1978 PA 368,  
7 MCL 333.20904.

8           (c) "Health facility or agency" means that term as defined in  
9 section 20106 of the public health code, 1978 PA 368, MCL  
10 333.20106.

11           (D) "PRIOR JUDGMENT" MEANS A CONVICTION, JUVENILE  
12 ADJUDICATION, FINDING OF RESPONSIBILITY, OR ADMISSION OF  
13 RESPONSIBILITY FOR ANY OF THE FOLLOWING, WHETHER UNDER A LAW OF  
14 THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW  
15 OF THIS STATE, A LAW OF THE UNITED STATES SUBSTANTIALLY  
16 CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE  
17 SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE:

18           (i) THIS SECTION OR SECTION 701 OR 707.

19           (ii) SECTION 624A OR 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA  
20 300, MCL 257.624A AND 257.625.

21           (iii) SECTION 80176, 81134, OR 82127 OF THE NATURAL RESOURCES  
22 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176,  
23 324.81134, AND 324.82127.

24           (iv) SECTION 167A OR 237 OF THE MICHIGAN PENAL CODE, 1939 PA  
25 328, MCL 750.167A AND 750.237.

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