

# SENATE BILL No. 766

October 8, 2003, Introduced by Senators VAN WOERKOM, CROUSEY, BARCIA,  
JELINEK, KUIPERS and BIRKHOLZ and referred to the Committee on Judiciary.

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, except as provided in this section. ~~Notwithstanding~~  
5 ~~section 909~~ **Subject to subsection (4)**, a minor who violates this  
6 subsection is guilty of a misdemeanor punishable by **imprisonment**  
7 **for not more than 90 days and** the following fines and sanctions  
8 ~~—~~ and is not subject to the penalties prescribed in section  
9 909:  
10       (a) For the first violation a fine of not more than \$100.00,

SENATE BILL No. 766

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

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

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

1 perform community service, and to undergo substance abuse  
2 screening and assessment at his or her own expense as described  
3 in subsection (3).

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

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

16 (4) **The court may impose a term of imprisonment under**  
17 **subsection (1) if it determines on the record that the minor has**  
18 **failed to successfully complete any treatment, screening, or**  
19 **community service ordered by the court or has failed to pay any**  
20 **fine.**

21 (5) ~~(4)~~ The secretary of state shall suspend the operator's  
22 or chauffeur's license of an individual convicted of violating  
23 subsection (1) or (2) as provided in section 319 of the Michigan  
24 vehicle code, 1949 PA 300, MCL 257.319.

25 (6) ~~(5)~~ A peace officer who has reasonable cause to believe  
26 a minor has consumed alcoholic liquor may require the person to  
27 submit to a preliminary chemical breath analysis. A peace

1 officer may arrest a person based in whole or in part upon the  
2 results of a preliminary chemical breath analysis. The results  
3 of a preliminary chemical breath analysis or other acceptable  
4 blood alcohol test are admissible in a criminal prosecution to  
5 determine whether the minor has consumed or possessed alcoholic  
6 liquor. A minor who refuses to submit to a preliminary chemical  
7 breath test analysis as required in this subsection is  
8 responsible for a state civil infraction and may be ordered to  
9 pay a civil fine of not more than \$100.00.

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

1 subsection.

2       (8) ~~—(7)—~~ This section does not prohibit a minor from  
3 possessing alcoholic liquor during regular working hours and in  
4 the course of his or her employment if employed by a person  
5 licensed by this act, by the commission, or by an agent of the  
6 commission, if the alcoholic liquor is not possessed for his or  
7 her personal consumption.

8       (9) ~~—(8)—~~ This section does not limit the civil or criminal  
9 liability of the vendor or the vendor's clerk, servant, agent, or  
10 employee for a violation of this act.

11       (10) ~~—(9)—~~ The consumption of alcoholic liquor by a minor who  
12 is enrolled in a course offered by an accredited postsecondary  
13 educational institution in an academic building of the  
14 institution under the supervision of a faculty member is not  
15 prohibited by this act if the purpose of the consumption is  
16 solely educational and is a requirement of the course.

17       (11) ~~—(10)—~~ The consumption by a minor of sacramental wine in  
18 connection with religious services at a church, synagogue, or  
19 temple is not prohibited by this act.

20       (12) ~~—(11)—~~ Subsection (1) does not apply to a minor who  
21 participates in either or both of the following:

22       (a) An undercover operation in which the minor purchases or  
23 receives alcoholic liquor under the direction of the person's  
24 employer and with the prior approval of the local prosecutor's  
25 office as part of an employer-sponsored internal enforcement  
26 action.

27       (b) An undercover operation in which the minor purchases or

1 receives alcoholic liquor under the direction of the state  
2 police, the commission, or a local police agency as part of an  
3 enforcement action unless the initial or contemporaneous purchase  
4 or receipt of alcoholic liquor by the minor was not under the  
5 direction of the state police, the commission, or the local  
6 police agency and was not part of the undercover operation.

7       **(13)** ~~—(12)—~~ The state police, the commission, or a local  
8 police agency shall not recruit or attempt to recruit a minor for  
9 participation in an undercover operation at the scene of a  
10 violation of subsection (1), section 801(2), or section 701(1).

11       Enacting section 1. This amendatory act takes effect  
12 January 1, 2004.