

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.141a Definitions; prohibited conduct by person having control of real property; applicability of section; violation of subsection (2) as misdemeanor; penalty; evidence of rebuttable presumption; selling or furnishing alcoholic beverage to minor not authorized by act; criminal penalty.

Sec. 141a.

(1) As used in this section:

(a) "Alcoholic beverage" means an alcoholic liquor as defined in section 2 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.

(b) "Allow" means to give permission for, or approval of, possession or consumption of an alcoholic beverage or a controlled substance, by any of the following means:

(i) In writing.

(ii) By 1 or more oral statements.

(iii) By any form of conduct, including a failure to take corrective action, that would cause a reasonable person to believe that permission or approval has been given.

(c) "Control over any premises, residence, or other real property" means the authority to regulate, direct, restrain, superintend, control, or govern the conduct of other individuals on or within that premises, residence, or other real property, and includes, but is not limited to, a possessory right.

(d) "Controlled substance" means that term as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws.

(e) "Corrective action" means any of the following:

(i) Making a prompt demand that the minor or other individual depart from the premises, residence, or other real property, or refrain from the unlawful possession or consumption of the alcoholic beverage or controlled substance on or within that premises, residence, or other real property, and taking additional action described in subparagraph (ii) or (iii) if the minor or other individual does not comply with the request.

(ii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to a law enforcement agency having jurisdiction over the violation.

(iii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to another person having a greater degree of authority or control over the conduct of persons on or within the premises, residence, or other real property.

(f) "Minor" means an individual less than 21 years of age.

(g) "Premises" means a permanent or temporary place of assembly, other than a residence, including, but not limited to, any of the following:

(i) A meeting hall, meeting room, or conference room.

(ii) A public or private park.

(h) "Residence" means a permanent or temporary place of dwelling, including, but not limited to, any of the following:

(i) A house, apartment, condominium, or mobile home.

(ii) A cottage, cabin, trailer, or tent.

(iii) A motel unit, hotel unit, or bed and breakfast unit.

(i) "Social gathering" means an assembly of 2 or more individuals for any purpose, unless all of the individuals attending the assembly are members of the same household or immediate family.

(2) Except as otherwise provided in subsection (3), an owner, tenant, or other person having control over any premises, residence, or other real property shall not do either of the following:

(a) Knowingly allow a minor to consume or possess an alcoholic beverage at a social gathering on or within that premises, residence, or other real property.

(b) Knowingly allow any individual to consume or possess a controlled substance at a social gathering on or within that premises, residence, or other real property.

(3) This section does not apply to the use, consumption, or possession of a controlled substance by an individual pursuant to a lawful prescription, or to the use, consumption, or possession of an alcoholic beverage by a minor for religious purposes.

(4) Except as provided in subsection (5), a person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not more than \$1,000.00, or both.

(5) For a second or subsequent violation of subsection (2) the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than \$1,000.00, or both.

(6) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of an alcoholic beverage or a controlled substance on or within a premises, residence, or

other real property, in violation of this section:

- (a) The defendant had control over the premises, residence, or other real property.
- (b) The defendant knew that a minor was consuming or in possession of an alcoholic beverage or knew that an individual was consuming or in possession of a controlled substance at a social gathering on or within that premises, residence, or other real property.
- (c) The defendant failed to take corrective action.
- (7) This section does not authorize selling or furnishing an alcoholic beverage to a minor.
- (8) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

History: Add. 1994, Act 31, Eff. June 1, 1994

Compiler's Notes: Former MCL 750.141a, which pertained to furnishing alcoholic beverage to minors without prescription, was repealed by Act 531 of 1978, Eff. Dec. 23, 1978.