

1998 PUBLIC AND LOCAL ACTS

[No. 53]

(SB 759)

AN ACT to amend 1933 (Ex Sess) PA 8, entitled "An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

The People of the State of Michigan enact:

436.1 Alcoholic liquor; manufacture, sale, possession, or transportation lawful; terms, conditions, limitations, and restrictions; right, power, and duty of commission to control alcoholic beverage traffic and traffic in other alcoholic liquor; unreasonable discrimination against Michigan manufacturers prohibited; enforcement of act and rules; willful neglect or refusal of officer to perform duties as misdemeanor; penalty. [M.S.A. 18.971]

Sec. 1. (1) On and after December 15, 1933, it shall be lawful to manufacture for sale, sell, offer for sale, keep for sale, possess, or transport any alcoholic liquor, as defined in this act, including alcoholic liquor used for medicinal, mechanical, chemical, or scientific purposes and wine used for sacramental purposes, subject to the terms, conditions, limitations, and restrictions contained in this act, and only as provided for in this act.

(2) Except as otherwise provided in this act, the commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

(3) A rule, regulation, or order made by the commission shall not unreasonably discriminate against Michigan manufacturers of alcoholic liquor.

(4) A peace officer or law enforcement officer of this state or a county, township, city, village, state university, or community college or an inspector of the commission is authorized, and it is the duty of each of them, to enforce the provisions of this act and the rules promulgated by the commission within his or her respective jurisdiction. It is the special duty of an officer described in this section to use his or her utmost efforts to repress and prevent crime and the violation of any of the provisions of this act. An officer described in this section who willfully neglects or refuses to perform the duties imposed upon him or her by this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned in the county jail not more than 90 days, or both.

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436.33c Power of peace officer or law enforcement officer to stop and detain person. [M.S.A. 18.1004(3)]

Sec. 33c. A peace officer or law enforcement officer described under section 1 or an inspector of the commission who witnesses a violation of section 33b or a local ordinance corresponding to section 33b may stop and detain a person and obtain satisfactory identification, seize illegally possessed alcoholic liquor, and issue an appearance ticket as prescribed in section 9b of the code of criminal procedure, 1927 PA 175, MCL 764.9b.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) Senate Bill No. 614.
- (b) Senate Bill No. 758.

This act is ordered to take immediate effect.

Approved March 31, 1998.

Filed with Secretary of State March 31, 1998.

Compiler's note: Senate Bill No. 614, referred to in enacting section 1, was filed with the Secretary of State March 31, 1998, and became P.A. 1998, No. 51, Imd. Eff. Mar. 31, 1998.

Senate Bill No. 758, also referred to in enacting section 1, was filed with the Secretary of State March 31, 1998, and became P.A. 1998, No. 52, Imd. Eff. Mar. 31, 1998.
