



**House
Legislative
Analysis
Section**

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**INCREASE PENALTY FOR SELLING
ALCOHOL TO MINORS**

House Bill 5133

Sponsor: Rep. Artina Tinsley Hardman

Committee: Regulatory Reform

Complete to 10-24-02

A SUMMARY OF HOUSE BILL 5133 AS INTRODUCED 10-2-01

The Michigan Liquor Control Code prohibits selling or furnishing alcoholic liquor to a minor. A person who knowingly violates this provision, or who fails to make diligent inquiry as to whether the person is a minor, is guilty of a misdemeanor. A retail licensee (or a licensee's clerk, agent, or employee) who violates this provision is to be punished by imprisonment for up to six months, a fine of up to \$500, or both. The bill would amend this provision to specify that the fine for a first offense would be up to \$500, and up to \$5,000 for a second or subsequent offense.

In addition, the code requires that a person who is not a retail licensee (or an employee) who violates this provision for the first time is subject to a mandatory \$1,000 fine, may be imprisoned for up to 60 days, and may be ordered to perform community service. For a second or subsequent offense, the code imposes a mandatory fine of \$2,500, mandatory imprisonment for up to 90 days, and also allows a violator to be ordered to perform community service. Under the bill, the penalties for non-licensees would be discretionary, rather than mandatory, with the current penalties becoming maximums.

Further, holders of liquor licenses are subject to possible license suspension or revocation for violations of the act. Specifically, if a licensee is found liable (by the Liquor Control Commission, after a hearing) for three or more separate violations within a two-year period of a provision prohibiting a retail licensee from selling or furnishing alcoholic liquor to a minor or to a person who is visibly intoxicated, the commission is required to suspend or revoke the liquor license, unless the violations were discovered by the licensee and immediately disclosed to the appropriate law enforcement agency. The bill would amend this provision so that license suspension or revocation would be required after two or more violations in a two-year period.

MCL 436.1701 and 436.1903

Analyst: D. Martens

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