



Techniques for Effective Alcohol Management

State information: Michigan

General Regulations

Legal age to Consume Alcohol: 21
Legal age to Serve Alcohol: 17 (as of 2022)
Limit for Driving While Intoxicated: .08
Limit for Driving While Intoxicated, Under 21: .02
Dram Shop Liability Laws: Yes
Maximum Alcohol per Drink: Not regulated
Number of Drinks Served at One Time: Not regulated

Server Training

A licensee obtaining a new on-premise license or transferring more than 50% interest in an existing on-premise license is required to have server-trained supervisory personnel employed during all hours alcoholic beverages are served.

Acceptable Forms of ID

"Diligent inquiry" is required under Michigan law and includes examination of Michigan driver's license, official Michigan personal ID card, or any other bona fide picture ID.

Recommended Age for Carding

None

ID Confiscation

Michigan authorizes licensees to confiscate IDs they recognize as false. Adulterated/fraudulent ID may be confiscated. Unadulterated ID should not be confiscated (ex. minor purchasing with own ID).

Policies Regarding Minors

It is unlawful to serve or sell alcohol to anyone under the age of 21. If the person is under the age of 17, they must be with a parent or guardian in an establishment whose primary business is the sale of alcohol or adult entertainment. City and town ordinances may also address this issue.

Non-Alcoholic Beer and Wine

Under the Penal Code, non-alcohol beer and wines which contain less than ½ of 1% alcohol may only be sold to those 18 years of age and over.

Alcohol Liability

The penalties imposed by a Hearing Commissioner or Administrative Law Judge as sanctions for violations of liquor laws and regulations include monetary fines, license suspensions and license or permit revocations. Maximum fines are set by law at \$300 except for violations involving sales to minors or intoxicated persons, which have a maximum fine of \$1,000. Suspensions may be of any duration; revocations can be outright or imposed as an alternative to transfer of license. Penalties are not scaled; even revocation can be ordered on a first offense, although this would generally be



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invoked on the most serious offense. Repeated violations are more likely to incur progressively more severe penalties, but this is not mandatory.

Statute of Limitations

The Statute of Limitations for liquor liability incidents is two years. The plaintiff must give written notice to possible defendants within 120 days.

Training Specifics

- (a) The identification of potential second-party sales and furnishing of alcoholic liquor to minors by persons 21 years of age or over.
- (b) The understanding of possible legal, civil, and administrative consequences of violations of this act, the rules of the commission, and other pertinent state laws.
- (c) The understanding of Michigan laws pertaining to minors attempting to purchase, minors in possession, and second-party sales or furnishing of alcoholic liquor from adults to minors.
- (d) Knowledge of the legal hours of alcoholic liquor service and occupancy.
- (e) The identification of signs of prohibited activities, such as gambling, solicitation for prostitution, and drug sales.
- (f) Any other pertinent laws as determined by the commission.

436.1901 Compliance required: prohibited acts.
Sec. 901.

- (1) A person, directly or indirectly, himself or herself or by his or her clerk, agent, or employee, shall not manufacture, manufacture for sale, sell, offer or keep for sale, barter, furnish, import, import for sale, transport for hire, transport, or possess any alcoholic liquor unless the person complies with this act.
- (2) A licensee shall not allow unlawful gambling on the licensed premises and shall not allow on the licensed premises any gaming devices prohibited by law.
- (3) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume alcoholic liquor that is not authorized by the license issued to the licensee by the commission.
- (4) A person, whether or not a licensee, shall not sell, deliver, or import spirits unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent certified by order of the commission, a person licensed by the commission, or by prior written order of the commission. A person who violates this subsection is subject to the sanctions and penalties contained in section 909(4) and, in the case of a violation of section 909(4)(a), is subject to forfeiture of proceeds



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- or an instrumentality as provided for in chapter XXVA of the Michigan penal code, 1931 PA 328, MCL 750.159f to 750.159x.
- (5) A licensee shall not sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises that are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for consideration as prohibited by section 913.
 - (6) A retail licensee shall not, on his or her licensed premises, sell, offer for sale, accept, furnish, possess, or allow the consumption of alcoholic liquor that has not been purchased by the retail licensee from the commission, the commission's authorized agent or distributor, an authorized distribution agent certified by order of the commission, or a licensee of the commission authorized to sell that alcoholic liquor to a retail licensee. This subsection does not apply to the consumption of alcoholic liquor in the bedrooms or suites of registered guests of licensed hotels or in the bedrooms or suites of bona fide members of licensed clubs.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010

State Contact Information

Michigan Liquor Control Commission

P.O. Box 30005

Lansing, MI 48909

(517) 322-1345

<http://www.michigan.gov/som/0,1607,7-192-29929---A,00.html>

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