

State Report

Michigan

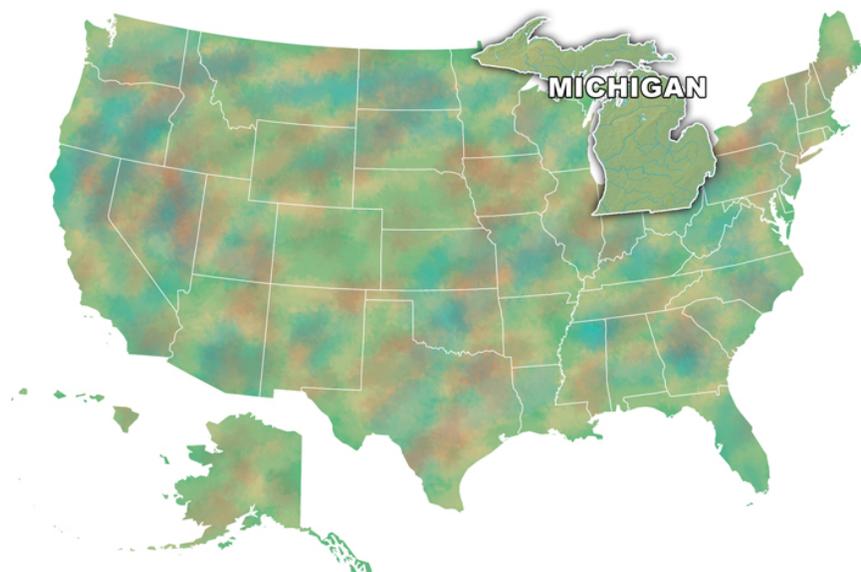
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Michigan

State Profile and Underage Drinking Facts*

State Population: 9,876,187
Population Ages 12–20: 1,293,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.9	335,000
Past-Month Binge Alcohol Use	17.2	223,000
Ages 12–14		
Past-Month Alcohol Use	5.2	20,000
Past-Month Binge Alcohol Use	2.1	8,000
Ages 15–17		
Past-Month Alcohol Use	20.9	91,000
Past-Month Binge Alcohol Use	0.0	000
Ages 18–20		
Past-Month Alcohol Use	48.2	223,000
Past-Month Binge Alcohol Use	33.7	156,000
Alcohol-Attributable Deaths (under 21)		146
Years of Potential Life Lost (under 21)		8,810
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	12.0	20

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited—no explicit exceptions noted in the law.

Underage Consumption of Alcohol

Consumption is prohibited—no explicit exceptions noted in the law.

Internal Possession by Minors

Internal possession is prohibited—no explicit exceptions noted in the law.

Underage Purchase of Alcohol

Purchase is prohibited, but youth may purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

- No use/lose law

Graduated Driver’s License

Learner Stage

- Minimum entry age: 14 years, 9 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours, 10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving

- Prohibited after: 10 p.m.
- Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger under 21
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers**Furnishing Alcohol to Minors**

- Furnishing is prohibited—no explicit exceptions noted in the law.
- There is an affirmative defense if the minor is not charged.

Compliance Check Protocols

No data

Penalty Guidelines for Sales to Minors

No data

Responsible Beverage Service**Mandatory Provisions*****Mandatory Beverage Service Training for Managers, Servers***

- Applies only to on-sale establishments
- Applies only to new outlets

Voluntary Provisions***Voluntary Beverage Service Training***

- Applies only to on-sale establishments
- Applies only to existing outlets

Incentives for Training

- Defense in dram shop liability lawsuits
- Discounts in dram shop liability insurance

Minimum Ages for Off-Premises Sellers

- Beer: 18
- Wine: 18
- Spirits: 18

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

No distance limitation

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: Yes—within 500 feet for spirits. Local government has authority to override state restrictions.
- On-premises outlets: Yes—within 500 feet. Local government has authority to override state restrictions.
- Alcohol products: Beer, wine, spirits

Dram Shop Liability

Statutory liability exists.

Note: Michigan law includes a responsible beverage service defense.

Social Host Liability Laws

- There is no statutory liability.
- The courts recognize common law social host liability.

Host Party Laws

Social host law is specifically limited to underage drinking parties

- Action by underage guest that triggers violation: Possession, consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.
- Preventive action by the host negates the violation.
- Exception(s): Family, resident

Note: Michigan's social host statute does not apply if all individuals attending the social gathering are members of the same household or immediate family, or if a minor's use, consumption, or possession of an alcoholic beverage is for religious purposes. The "preventive action" provision in Michigan allows the prosecution to establish guilt by proving that the host failed to take preventive action.

Retailer Interstate Shipments of Alcohol

Prohibition against retailer interstate shipments:

- Beer: Permitted
- Wine: Permitted
- Spirits: Prohibited

Note: The beer or wine must be delivered by the retailer's employee and not by an agent or by a third-party delivery service. A retailer that holds a specially designated merchant license or an out-of-state retailer that holds its state's substantial equivalent license may utilize a third party that provides delivery service to municipalities in this state that are surrounded by water and inaccessible by motor vehicle.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements

- Producer must verify age of purchaser.
- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.

Reporting Requirements

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

- Keg definition: 5 gallons or more
- Prohibited: Destroying the label on a keg—maximum fine/jail: \$500/93 days
- Purchaser information collected:
 - Purchaser's name and address
 - Verified by a government-issued ID
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit required: \$30
- Provisions do not specifically address disposable kegs.

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted
- Wine: Permitted
- Spirits: Prohibited

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.20 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.51 per gallon.
- Spirits (40 percent alcohol): Control state

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—180-day minimum. Prices may be decreased during the 180-day period to meet a competing wholesaler's price. The price reduction must not exceed the competition's price and must continue for the balance of the 180 days filed by the competition.
- Retailer credit: Restricted—30 days maximum for on-sale retailers. No credit extended to off-sale retailers.

Wine (12 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—3-month minimum. By written order the commission may approve a price change for a period of no fewer than 14 days.
- Retailer credit: Restricted—30 days for on-sale retailers. No credit extended to off-sale retailers.

Spirits (40 percent alcohol)

- Control state

Michigan State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Michigan Liquor Control Commission (MLCC)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> MLCC periodically works with local, county, and state police on enforcement assignments. MLCC also conducts training for police on liquor laws on an ongoing basis. Police are encouraged to apprise MLCC of results of their own enforcement activities so that MLCC can make that part of each licensee's operating history on the database.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	MLCC
Such laws are also enforced by local law enforcement agencies	Unknown
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Data not collected
Number pertains to the 12 months ending	Data not collected
Data include arrests/citations issued by local law enforcement agencies	Data not collected
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	2,558
Number of licensees that failed state compliance checks	356
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No data
Number of licensees that failed local compliance checks	577
Numbers pertain to the 12 months ending	12/31/2011
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	775
Total amount in fines across all licensees	\$482,795
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	75
Total days of suspensions across all licensees	44
Numbers pertain to the 12 months ending	12/31/2011

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	1
Numbers pertain to the 12 months ending	12/31/2011

Additional Clarification

One total revocation was issued; however, there were an additional 124 “Revoked/Terminated unless Transferred” imposed during the time period ending 12/31/2011. The MLCC investigates and enforces on direct ship laws, but does not complete full field investigations.

- ¹ Or having consumed or purchased per state statutes.
- ² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
- ³ Does not include fines imposed by local agencies.
- ⁴ Does not include suspensions imposed by local agencies.
- ⁵ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking

Michigan Coalition to Reduce Underage Drinking (MCRUD)	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

Program description: MCRUD provides training, technical assistance, and networking opportunities for local volunteer and professional groups that are working to address specific issues related to reducing underage drinking at the local level. MCRUD also provides small grants (up to \$1,500) for volunteer grassroots groups on the same topics. Constituents include other statewide organizations (e.g., Mothers Against Drunk Driving), local professional prevention agencies, local public health departments, hospital staff, local teen centers, and volunteer groups (e.g., high school leadership groups, parent groups, and community coalitions).

Office of Juvenile Justice and Delinquency Prevention (OJJDP) Enforcing Underage Drinking Laws (EUDL) Program	
Number of youth served	100
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	09/30/11
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for report: http://www.michigan.gov/documents/msp/2005_EUDL_Evaluation_197592_7.pdf	
URL for more program information:	Not applicable

Program description: Michigan’s EUDL program seeks to reduce the availability of alcohol to minors by enforcing underage drinking laws. Law enforcement agencies across Michigan are actively patrolling for underage drinking parties as well as conducting retail compliance checks with liquor licensees.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
Sub-State Regional Coordinating Agencies	
URL for more program information: http://www.michigan.gov/mdch-bsaas	
Program description: No data	
Prevention Network	
URL for more program information: http://www.preventionnetwork.org	
Program description: No data	
Parenting Awareness Michigan (PAM)	
URL for more program information: http://www.preventionnetwork.org/pam	
Program description: No data	
Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Program description: Collaboration with both the Grand Traverse Band of Ottawa and Chippewa Indians and the Little Traverse Bay Band of Odawa Indians occurs through offering technical assistance as appropriate or requested. Both Tribes have member representation with the State Epidemiology Outcomes Workgroup (SEOW). In addition, there is partnership with the Michigan Inter-Tribal Council.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: Michigan's EUDL grantees use the controlled dispersal method when processing underage drinkers. Controlled dispersal is a systematic operational plan using the concepts of zero tolerance and education to safely and efficiently close underage drinking parties. A successful controlled dispersal results in effective zero-tolerance enforcement by placing appropriate charges against violators. It also minimizes the potential for disaster by ensuring that the party attendees are provided safe rides home. Proper implementation of the controlled dispersal plan benefits communities and youth by reducing the negative consequences associated with underage drinking.	
The Michigan Department of Community Health (MDCH)/Bureau of Substance Abuse and Addiction Services (BSAAS) has also adopted overarching principles of effective prevention based on the Surgeon General's Call to Action to Prevent and Reduce Underage Drinking (2007). Specific guidelines for safe prom/graduation initiatives have also been adopted. In addition, MDCH/BSAAS requires that at least 90 percent of prevention programming within a coordinating agency region is evidence based.	
Additional Clarification	
None given	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> Name: Mike Tobias E-mail: mike@preventionnetwork.org Address: PO Box 4458, East Lansing, MI 48826-4458 Phone: 517-393-6890	
<i>Agencies/organizations represented on the committee:</i> Barry County Community Mental Health Bay County Sacred Heart Cass Alcohol Safety Solutions Cristo Rey Community Center Courageous Persuaders Ingham Substance Abuse Prevention Coalition Little Traverse Bay Band of Odawa Indians Marquette County Health Department/Coalition Michigan Council on Alcohol Problems Michigan Liquor Control Commission Oakland County Health Division Ottawa County Health Department Van Buren Substance Abuse Task Force Washtenaw County Partnership/Clean Teens	
<i>A website or other public source exists to describe committee activities</i> URL or other means of access: http://www.mcrud.org	Yes

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: MDCH/BSAAS Plan can be accessed via: http://www.michigan.gov/mdch-bsaas	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: SPF SIG Childhood and Underage Drinking (CUAD) Workgroup Plan can be accessed via: http://www.michigan.gov/documents/mdch/Blueprint for Michigan 336742 7.pdf	
Additional Clarification	
None given	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	\$120,643
Estimate based on the 12 months ending	12/31/2011
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$200,000
Estimate based on the 12 months ending	09/30/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$40,000
Estimate based on the 12 months ending	09/30/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<i>Other programs:</i>	
Programs or strategies included: Non-SAPT funds to Coordinating Agencies from the state general fund	
Estimate of state funds expended	\$165,209
Estimate based on the 12 months ending	09/30/2011

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	Yes
Fees	Yes
Other	No data
<i>Description of funding streams and how they are used:</i>	
Taxes on alcohol; fines for violations; license and renewal fees. These sources are used to fund controlled buy operations through the Michigan Liquor Control Commission.	
Additional Clarification	
None given	