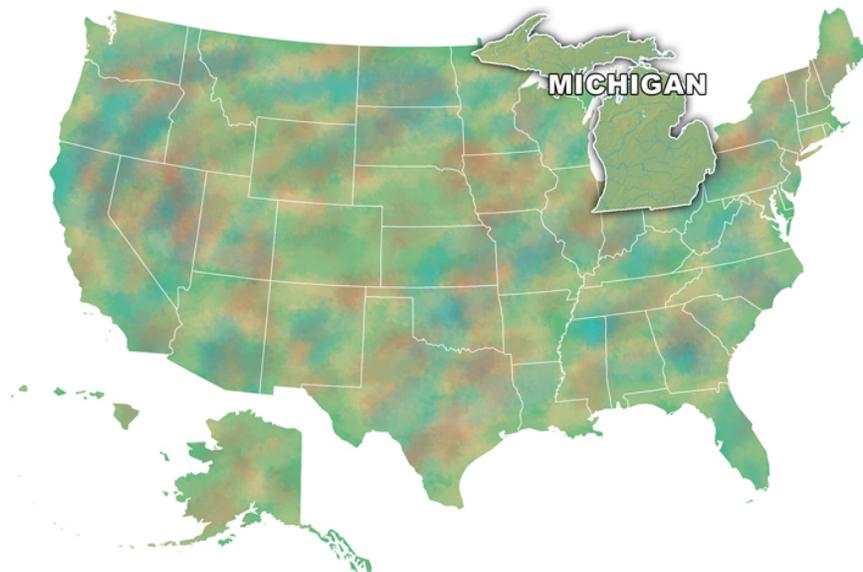


State Report

Michigan

This document is excerpted from:

The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Michigan

State Profile and Underage Drinking Facts*

State Population: 9,883,360
Population Ages 12–20: 1,274,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.1	320,000
Past-Month Binge Alcohol Use	16.8	214,000
Ages 12–14		
Past-Month Alcohol Use	4.2	16,000
Past-Month Binge Alcohol Use	1.6	6,000
Ages 15–17		
Past-Month Alcohol Use	21.1	91,000
Past-Month Binge Alcohol Use	13.1	56,000
Ages 18–20		
Past-Month Alcohol Use	46.6	212,000
Past-Month Binge Alcohol Use	33.1	151,000
Alcohol-Attributable Deaths (under 21)		144
Years of Potential Life Lost (under 21)		8,752
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	18.0	26

* 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.

Provision(s) 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, of which 10 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 age 21 who is not an immediate family member unless accompanied by driver’s parent or designated adult 21 or older.
 - Primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing of 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 beverage service training for managers, servers

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

Responsible Beverage Service

Voluntary beverage service training

- Applies only to on-sale establishments
- Applies only to existing outlets
- Defense in dram shop liability lawsuits
- Discounts in dram shop liability insurance

Note: Michigan provides for a liability insurance discount as an incentive for retailers to implement beverage service training.

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

- No distance limitation

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

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.20 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$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, 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)	
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	No
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; enforcement only. Full field investigation not conducted for permit issuance.
Such laws are also enforced by local law enforcement agencies	Don't know
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	No
Number of minors found in possession by state law enforcement agencies	Not applicable
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of retail licensees in state ³	17,260, holding approx. 27,000 total licenses
Number of licensees checked for compliance by state agencies (including random checks)	2,224
Number of licensees that failed state compliance checks	298
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	Yes
Number of licensees subject to random state compliance checks/decoy operations	Data not maintained separately; not available
Number of licensees that failed random state compliance checks	Not applicable
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	Data not maintained separately (see above)
Number of licensees that failed local compliance checks	429
Numbers pertain to the 12 months ending	12/31/2012

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	727
Total amount in fines across all licensees	\$459,378.42
Smallest fine imposed	\$0
Largest fine imposed	\$4,999.59
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	27 (14 were “fine and suspension; waive suspension”)
Total days of suspensions across all licensees	47
Shortest period of suspension imposed (in days)	0
Longest period of suspension imposed (in days)	10
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2012
Additional Clarification	
Checkpoints and saturation patrols are not done in Michigan. Local law enforcement agencies may conduct compliance checks on a voluntary basis only, and not all submit data to MLCC. Items in question 1.B.2.b may be underreported since reporting of data is not required.	

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 Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Michigan Coalitions to Reduce Underage Drinking (MCRUD)	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.mcrud.org
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. 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).	
Substate Regional Coordinating Agencies (CAs)	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable

Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: http://www.michigan.gov/mdch-bsaas	
Program Description: The Michigan Department of Community Health (MDCH), Bureau of Substance Abuse and Addiction Services (BSAAS), currently allocates Substance Abuse Prevention and Treatment (SAPT) Block Grant funding and other state general fund dollars to 16 substate regional coordinating agencies. The CAs are responsible for planning, administering, funding, and maintaining the provision of substance abuse treatment and prevention services for 83 counties in Michigan in accordance with BSAAS priorities. One of BSAAS’s current priorities is reducing underage drinking, and each CA employs a Prevention Coordinator. Programs are based on regional need, and are a mix of targeted programs aimed at specific populations as well as those aimed at the general population.	
Prevention Network (PN) and Parenting Awareness Michigan (PAM)	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: http://www.preventionnetwork.org	
Program Description: PN is a private, nonprofit partner funded in part by BSAAS involved in the established statewide infrastructure that works to coordinate and allocate funding to high-need communities. PN provides support, training, technical assistance, and minigrants to grassroots community groups to offer a full continuum of substance abuse prevention services. As part of PN, the PAM assists local communities across the state, specifically with initiatives surrounding parenting.	

Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
URL for more program information: No data	
Program description: No data	
Additional Clarification	
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
Description of collaboration: At the state level, BSAAS collaborates with both the Grand Traverse Band of Ottawa and Chippewa Indians and the Little Traverse Bay Band of Odawa Indians by offering technical assistance as appropriate or requested. Both Tribes also have member representation with the State Epidemiology Outcomes Workgroup (SEOW). In addition, there is partnership with the Michigan Inter-Tribal Council. Also, substate regional coordinating agencies may partner with these same or other Tribes in their geographic area.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	

<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA NREPP	Yes
Agency(ies) within your state: MDCH BSAAS	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: MDCH/BSAAS has adopted overarching principles of effective prevention based on the SAMHSA National Registry of Effective Prevention Programs (NREPP) as well as the Surgeon General's Call to Action to Prevent and Reduce Underage Drinking (2007). MDCH/BSAAS requires that at least 90 percent of prevention programming within a substate coordinating agency region be evidence based. In addition, specific guidelines for safe prom and graduation initiatives have been adopted and promoted through PN, MCRUD, and other avenues at the local level.	
Additional Clarification	
No data	

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	
Courageous Persuaders	
Ingham Substance Abuse Prevention Coalition	
Michigan Council on Alcohol Problems	
Michigan Liquor Control Commission	
Oakland County Health Department	
Michigan Licensed Beverage Association	
Marquette County Health Department/Coalition	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.mcrud.org	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: MDCH/BSAAS ROSC Transformation Steering Committee-- Prevention Workgroup	
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: MDCH/BSAAS ROSC Transformation Steering Committee- Prevention Workgroup	
Plan can be accessed via: http://www.michigan.gov/mdch-bsaas	
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$128,797
Estimate based on the 12 months ending	12/31/2012
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	9/30/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$350,000
Estimate based on the 12 months ending	9/30/2012
<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:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

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	
No data	