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## PROHIBIT ALCOHOL ON SCHOOL PROPERTY

### Senate Bill 246 (Substitute H-4) First Analysis (12-1-99)

**Sponsor: Sen. Dale L. Shugars**  
**House Committee: Education**  
**Senate Committee: Education**

#### ***THE APPARENT PROBLEM:***

Under law minors are prohibited from drinking on school property. Adults, however, are not. According to a law enforcement official from Kalamazoo County, the prosecution of adults who intend to give alcohol to minors is complicated because the law does not explicitly forbid adults from possessing or consuming alcohol when they are on school property. For example, recently in a public school district in that county, an adult had alcohol on school property and intended to give it to minors, but he was apprehended before doing so. Because the minors had not received the alcohol, and absent an outright ban of alcohol on school property, prosecutors were required to establish that the adult intended to deliver the alcohol to the youngsters despite the fact that he had not actually done so.

In addition, school officials report that alcohol consumption has increased among those who attend school events, and in particular among those who come to school facilities and outlying playing fields to attend school-sponsored sporting events. When the adults who attend school-sponsored events drink alcohol and their behavior is witnessed by youngsters also in attendance at those events, the adults serve as inappropriate role models for young people. As inappropriate role models, the adults who drink on school property serve to counter the efforts of organizations such as MADD (Mothers Against Drunk Driving) whose members are intent upon changing the cultural norms regarding alcohol use and abuse, and who work to set a new standard that would prohibit alcohol because of its pernicious effects when it is used to excess.

Legislation has been introduced to help law enforcement officials prosecute adults who use alcohol on school property, and to promote alcohol-free learning environments in which adults serve as positive role models for students.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Liquor Control Code to prohibit a person from consuming, or possessing with the intent of consuming, alcoholic liquor on school property. A violation would be a misdemeanor punishable as follows: a) with no prior convictions, by imprisonment of not more than 93 days or a fine of not more than \$250, or both; b) with one prior conviction, by imprisonment for not more than 93 days or a fine of not more than \$500, or both; or, c) with two or more prior convictions, by imprisonment for not more than one year or a fine of not more than \$1,000, or both.

The bill would not prohibit the lawful consumption or possession of alcoholic liquor on school property as part of a generally recognized religious service or religious ceremony, or during a nonschool function or event on school property if the school administrator had approved of the consumption or possession of alcoholic liquor during that function or event.

The bill specifies that it would not prohibit an individual from being convicted of or found responsible for any other violation of law arising out of the same transaction as the violation of the bill.

The bill would define "prior conviction" to mean conviction for violating the bill or a local ordinance substantially corresponding to it. It also would define "school" to mean a public school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. Finally, it would define "school property" to mean a building, playing field, vehicle, or other property used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

MCL 436.1904

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### **HOUSE COMMITTEE ACTION:**

The House Committee on Education adopted a substitute for the bill, Substitute H-4. The substitute differs from the Senate-passed version of the bill by specifying a range of misdemeanor penalties for violation of the alcohol prohibition, so that the penalties are more severe for those with prior convictions. The Senate-passed version of the bill specified one penalty: imprisonment for up to 120 days, a maximum fine of \$200, or both. Instead of this penalty, the House version of Senate Bill 246 would offer a three-tier range of misdemeanor penalties for violation of the alcohol prohibition, and those penalties would become increasingly severe for violators with prior convictions. Finally, the substitute also specifies that the prohibition would not apply when alcohol is consumed as part of a generally recognized religious service or religious ceremony. The Senate version provided an exemption for a recognized religious service.

### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, the bill would increase local revenue from civil fines if any such violations occurred. (11-30-99)

### **ARGUMENTS:**

#### ***For:***

To stem the excessive consumption of alcohol on school property, and to prevent public drunkenness among adults who serve as role models for school students, school officials should have every legal means to remove alcohol from schools. Teaching children the dangers of drinking, only to have those children see adults who drink to excess at school events, sends an inconsistent message to school children: "Do as I say, not as I do". This legislation would help school officials ban alcohol consumption on school property, and to punish adult behavior when it does not conform with that public policy. It would help to send a clear message to school children that alcohol abuse is unacceptable.

#### ***Response:***

Although this bill is a good one, it should be amended to ensure its intent when it is implemented by local school officials. For example, the bill would be improved if it specified that a superintendent or his or

her designee could authorize the consumption of alcohol during a nonschool function or event on school property, rather than the school administrator or principal. Generally, school principals do not have nor would they want the authority to authorize alcohol consumption on school property within a school district. Instead, that authority customarily rests with the superintendent or a community education coordinator appointed by the superintendent. Further, an amendment to the bill could better clarify that alcohol could be authorized for a nonschool function when that function is scheduled at the same time but in a different locale than a school function.

### **POSITIONS:**

Mothers Against Drunk Driving-Oakland County Chapter supports the bill. (11-30-99)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.