

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5500**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 1113 (MCL 436.2113), as amended by 1998 PA  
416, and by adding section 1114.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1113. (1) Except as provided in subsection (2), (3),  
2 or (5), a licensee enumerated under section 525 or any other  
3 person shall not sell at retail, give away, or furnish, and a  
4 person shall not knowingly and willfully buy, spirits or mixed  
5 spirit drink between the hours of 2 a.m. and 12 midnight on  
6 Sunday. If January 1 falls on Sunday, the hours may be extended  
7 to 4 a.m.

8       (2) If the legislative body of a county has authorized the  
9 sale of spirits and mixed spirit drink for consumption on the  
10 premises on Sunday, by resolution approved by a majority of the

1 legislative body voting on that resolution, the spirits and mixed  
2 spirit drink may be sold after 12 noon, **E.S.T.**, in an  
3 establishment licensed under this act in which the gross receipts  
4 derived from the sale of food and other goods and services exceed  
5 50% of the total gross receipts. With respect to an action taken  
6 by the legislative body or if the legislative body fails to act,  
7 a petition may be filed with the county clerk requesting the  
8 submission of the question of the sale of spirits and mixed  
9 spirit drink for consumption on the premises in addition to beer  
10 and wine on Sunday. The petition shall be signed by a number of  
11 the registered and qualified electors of the county that is not  
12 less than 8% of the total number of votes cast for all candidates  
13 for the office of secretary of state in the county at the last  
14 general election held for that purpose. The question shall not  
15 be submitted to the electors of a county more than once every 4  
16 years. The county clerk shall submit the question at the next  
17 regular state election held in the county if the petitions are  
18 filed not less than 60 days before the election. The question of  
19 the sale of spirits and mixed spirit drink for consumption on the  
20 premises, in addition to beer and wine, on Sunday shall be  
21 submitted by ballot in substantially the following form:

22       "Shall the sale of spirits and mixed spirit drink for  
23 consumption on the premises be permitted on Sunday in an  
24 establishment licensed under the Michigan liquor control code of  
25 1998 in which the gross receipts derived from the sale of food or  
26 other goods and services exceed 50% of the total gross receipts  
27 within the county of ..... under the provisions of the law

1 governing the sale of spirits and mixed spirit drink for  
2 consumption?

3 Yes .....

4 No ..... "

5 (3) If the legislative body of a county has authorized the  
6 sale of spirits and mixed spirit drink for consumption off the  
7 premises on Sunday by resolution approved by a majority of the  
8 legislative body voting on the resolution, spirits and mixed  
9 spirit drink may be sold after 12 noon, **E.S.T.**, in a retail  
10 establishment licensed under this act. With respect to an action  
11 taken by the legislative body or if the legislative body fails to  
12 act, a petition may be filed with the county clerk requesting the  
13 submission of the question of the sale of spirits and mixed  
14 spirit drink for consumption off the premises, in addition to  
15 beer and wine, in a retail establishment licensed under this act  
16 on Sunday. The petition shall be signed by a number of the  
17 registered and qualified electors of the county that is not less  
18 than 8% of the total number of votes cast for all candidates for  
19 the office of secretary of state in the county at the last  
20 general election shall not be held for that purpose. The  
21 question submitted to the electors of a county more than once  
22 every 4 years. The county clerk shall submit the question at the  
23 next regular state election held in the county if the petitions  
24 are filed not less than 60 days before the election. The  
25 question of the sale of spirits and mixed spirit drink for  
26 consumption off the premises, in addition to beer and wine, in a  
27 retail establishment licensed under this act on Sunday shall be

1 submitted by ballot in substantially the following form:

2 "Shall the sale of spirits and mixed spirit drink for  
3 consumption off the premises be permitted on Sunday in a retail  
4 establishment licensed under the Michigan liquor control code of  
5 1998 within the county of ..... under the provisions of the  
6 law governing the sale of spirits and mixed spirit drink for  
7 consumption?

8 Yes .....

9 No .....".

10 (4) Votes on a question submitted under this section shall be  
11 taken, counted, and canvassed in the same manner as votes cast in  
12 county elections are taken, counted, and canvassed. A ballot  
13 shall be furnished by the election commission or similar body of  
14 the county. If a majority of the electors voting at an election  
15 vote in favor of the proposal, spirits and mixed spirit drink may  
16 be sold in the county under this act for consumption on the  
17 premises or by a retail establishment for consumption off the  
18 premises, in addition to beer and wine, on Sunday. The sale  
19 shall not be permitted in a city, village, or township in which  
20 the sale of spirits and mixed spirit drink is prohibited under  
21 this act. A violation of this section is a misdemeanor. This  
22 section does not apply to spirits and mixed spirit drink served  
23 to a bona fide guest in the residence of a person or sold or  
24 furnished for medicinal purposes as provided for in this act.

25 (5) A licensee enumerated under section 525 or any other  
26 person shall not sell at retail, and a person shall not knowingly  
27 and willfully buy, alcoholic liquor between the hours of

House Bill No. 5500 (S-1) as amended May 12, 2004

1 9 p.m. on December 24 and 7 a.m. on December 26. If December 26  
2 falls on Sunday, the hours of closing shall be determined  
3 pursuant to this act. The legislative body of a city, village,  
4 or township, by resolution or ordinance, may prohibit the sale of  
5 alcoholic liquor on Sunday or a legal holiday, primary election  
6 day, general election day, or municipal election day.

7 Sec. 1114. (1) Notwithstanding R 436.1403 [and R 436.1503] of the  
Michigan

8 administrative code and except as otherwise provided under this  
9 act or rule of the commission, an on-premises [and an off-premises]  
licensee shall not  
10 sell, give away, or furnish alcoholic liquor between the hours of  
11 2 a.m. and 7 a.m. on any day and shall not sell, give away, or  
12 furnish alcoholic liquor between the hours of 2 a.m. and 12 noon,  
13 E.S.T., on Sunday. An on-premises [and an off-premises] licensee shall  
not sell, give  
14 away, or furnish spirits between the hours of 2 a.m. and 12  
15 midnight on Sunday, unless issued a Sunday sales permit by the  
16 commission that allows the licensee to sell spirits on Sunday  
17 between the hours of 12 noon, E.S.T., and 12 midnight[ ].

18 (2) For purposes of R 436.1403 [and R 436.1503] of the Michigan  
19 administrative code, 12 noon on Sunday is considered 12 noon on  
20 Sunday, E.S.T., for any licensee located in the central time  
21 zone.

22 (3) A reference to the time of day under this act or a rule  
23 of the commission includes daylight savings time, when observed.