

HOUSE BILL No. 5500

February 10, 2004, Introduced by Reps. Casperson, Brown, Adamini, LaJoy, Robertson, Milosch, Drolet, Ward, Hune, Mortimer, Brandenburg, Huizenga, Caswell, Tobocman, Gleason, Farhat, Pastor, Garfield, Shackleton, Kooiman, Tabor and Taub and referred to the Committee on Regulatory Reform.

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

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

18 **(2) For purposes of R 436.1403 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.**