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BILL ANALYSIS

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Senate Bill 100 (as introduced 2-1-11)
Sponsor: Senator Rick Jones
Committee: Regulatory Reform

Date Completed: 2-10-11

CONTENT

The bill would amend the Michigan Liquor Control Code to allow local units of government to prohibit the sale of alcohol between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday.

The bill specifies that any prohibitions on the sale of beer and wine or alcoholic liquor between 7 a.m. and 12 noon on Sunday, or between 7 a.m. on Sunday and 2 a.m. on Monday, adopted by a county, city, village, or township before the bill's effective date would remain in effect.

Sunday Sale of Beer & Wine

Currently, the sale of beer and wine between the hours of 7 a.m. on Sunday and 2 a.m. on Monday is allowed, but may be prohibited in any county, city, village, or township by a majority vote of the local unit's legislative body or a majority vote of the electors voting on a petition at a regular State election.

Under the bill, the sale of beer and wine between 7 a.m. on Sunday and 2 a.m. on Monday would be allowed, but a county, city, village, or township could prohibit the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday *or* between the hours of 7 a.m. on Sunday and 2 a.m. on Monday by a majority vote of either the local unit's legislative body or the electors voting on a petition.

The Code contains petition and ballot requirements for electors to vote on the question of Sunday sales of beer and wine. Under the bill, those requirements would apply to the Sunday morning sale of beer and wine between 7 a.m. and 12 noon, or to the sale of beer and wine between 7 a.m. on Sunday and 2 a.m. on Monday.

Sunday Sale of Spirits & Mixed Spirit Drink

Under the Code, spirits and mixed spirit drink may be sold after 7 a.m. on Sunday, in a licensed establishment in which the gross receipts derived from sale of food and other goods and services exceed 50% of the total gross receipts, except in a county where the sale of spirits and mixed spirit drink for on-premises consumption on Sunday has been prohibited either by resolution approved by a majority of the legislative body or the electors. Similarly, spirits and mixed spirit drink may be sold after 7 a.m. on Sunday, in a licensed retail establishment, except in a county where their sale for off-premises consumption on Sunday has been prohibited by the legislative body or by the electors.

Under the bill, these provisions would allow the sale of spirits and mixed spirit drink for on-premises or off-premises consumption on Sunday except in a county where the sale was prohibited between 7 a.m. and noon on Sunday or between 7 a.m. on Sunday and 2 a.m. on Monday.

The Code contains petition and ballot requirements for electors to vote on the question of Sunday sales of spirits and mixed drink. Under the bill, those requirements would apply to the Sunday morning sale of spirits and mixed drink between 7 a.m. and 12 noon, or to the sale of spirits and mixed drink between 7 a.m. on Sunday and 2 a.m. on Monday.

County with Motorsports Entertainment Complex

Under the Code, the sale of beer and wine or spirits and mixed spirit drink in any county between 7 a.m. on Sunday and 2 a.m. on Monday may not be prohibited as applied to a motorsports entertainment complex located in more than one county if a resolution or referendum fails to pass in one county but passes in another. In that circumstance, the Liquor Control Commission must determine the issue of the sale of beer and wine or spirits and mixed drink in the complex between 7 a.m. on Sunday and 2 a.m. on Monday.

Under the bill, these provisions would apply relative to the sale of beer and wine or spirits and mixed drink either between 7 a.m. and 12 noon on Sunday or between 7 a.m. on Sunday and 2 a.m. on Monday.

Prohibition on Sales Between 2 a.m. & 7 a.m.

The Code prohibits an on-premises or off-premises licensee from selling, giving away, or furnishing alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day, and specifies that this provision does not prevent any local unit from prohibiting the sale of beer and wine or spirits and mixed spirit drink on Sundays. The bill would refer to sales between 7 a.m. and 12 noon on Sunday or between 7 a.m. on Sunday and 2 a.m. on Monday.

MCL 436.2111 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.