

HOUSE BILL No. 5401

February 15, 2012, Introduced by Reps. Tlaib, Constan, Santana, Jackson, Switalski, Brown, Barnett, Talabi, Durhal, Irwin, Ananich, Townsend, Cavanagh, Dillon, Nathan, Haugh, Olumba, Stanley, Lipton, Lindberg, Hobbs, Geiss, Hovey-Wright, Bauer, Howze and Rutledge 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 901 (MCL 436.1901), as amended by 2010 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 901. (1) A person ~~, directly or indirectly, himself or~~
2 ~~herself or by his or her~~ **THAT PERSON'S** clerk, agent, or employee ~~r~~
3 shall not **DIRECTLY OR INDIRECTLY** manufacture, manufacture for sale,
4 sell, offer or keep for sale, barter, furnish, import, import for
5 sale, transport for hire, transport, or possess any alcoholic
6 liquor unless the person complies with this act.

7 (2) A licensee shall not allow unlawful gambling **OR ANY GAMING**
8 **DEVICES PROHIBITED BY LAW** on the licensed premises. ~~and shall not~~
9 ~~allow on the licensed premises any gaming devices prohibited by~~
10 ~~law.~~

1 (3) A licensee shall not sell, offer or keep for sale,
2 furnish, possess, or allow a customer to consume alcoholic liquor
3 that is not authorized by the license issued to the licensee by the
4 commission.

5 (4) A person, whether or not a licensee, shall not sell,
6 deliver, or import spirits unless the sale, delivery, or
7 importation is made by the commission, the commission's authorized
8 agent or distributor, an authorized distribution agent certified by
9 order of the commission, a person licensed by the commission, or by
10 prior written order of the commission. A person who violates this
11 subsection is subject to the sanctions and penalties contained in
12 section 909(4) and, in the case of a violation of section
13 909(4) (a), is subject to forfeiture of proceeds or an
14 instrumentality as provided for in chapter XXVA of the Michigan
15 penal code, 1931 PA 328, MCL 750.159f to 750.159x.

16 (5) A licensee shall not sell or furnish alcoholic liquor to a
17 person who maintains, operates, or leases premises that are not
18 licensed by the commission and upon which other persons unlawfully
19 engage in the sale or consumption of alcoholic liquor for
20 consideration as prohibited by section 913.

21 (6) A retail licensee shall not, on his or her licensed
22 premises, sell, offer for sale, accept, furnish, possess, or allow
23 the consumption of alcoholic liquor that has not been purchased by
24 the retail licensee from the commission, the commission's
25 authorized agent or distributor, an authorized distribution agent
26 certified by order of the commission, or a licensee of the
27 commission authorized to sell that alcoholic liquor to a retail

1 licensee. This subsection does not apply to the consumption of
2 alcoholic liquor in the bedrooms or suites of registered guests of
3 licensed hotels or in the bedrooms or suites of bona fide members
4 of licensed clubs.

5 (7) A LICENSEE OR THAT LICENSEE'S CLERK, AGENT, OR EMPLOYEE
6 SHALL NOT DIRECTLY OR INDIRECTLY ENGAGE IN AN ACT ON THE LICENSED
7 PREMISES THAT WOULD VIOLATE A STATE, FEDERAL, OR LOCAL STATUTE OR
8 REGULATION THAT GOVERNS ANY OF THE FOLLOWING:

9 (A) MINIMUM WAGE.

10 (B) OVERTIME COMPENSATION.

11 (C) DISCRIMINATION.

12 (D) OCCUPATIONAL SAFETY.

13 (E) SANITATION AND HEALTH REQUIREMENTS.

14 (F) RETALIATION UNDER ANY OF THE LAWS LISTED IN SUBDIVISIONS

15 (A) TO (E).