

**SUBSTITUTE FOR  
HOUSE BILL NO. 4706**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 916 (MCL 436.1916).

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

1           Sec. 916. (1) An on-premises licensee shall not allow  
2 monologues, dialogues, motion pictures, still slides, closed  
3 circuit television, contests, or other performances for public  
4 viewing on the licensed premises unless the licensee has applied  
5 for and been granted an entertainment permit by the commission.  
6 Issuance of an entertainment permit under this subsection does not  
7 allow topless activity on the licensed premises.

8           (2) An on-premises licensee shall not allow dancing by  
9 customers on the licensed premises unless the licensee has applied

1 for and been granted a dance permit by the commission. Issuance of  
2 a dance permit under this subsection does not allow topless  
3 activity on the licensed premises.

4 (3) An on-premises licensee shall not allow topless activity  
5 on the licensed premises unless the licensee has applied for and  
6 been granted a topless activity permit by the commission. This  
7 section is not intended to prevent a local unit of government from  
8 enacting an ordinance prohibiting topless activity or nudity on a  
9 licensed premises located within that local unit of government.  
10 This subsection applies only to topless activity permits issued by  
11 the commission to on-premises licensees located in counties with a  
12 population of 95,000 or less.

13 (4) The commission may issue to an on-premises licensee a  
14 combination dance-entertainment permit or topless activity-  
15 entertainment permit after application requesting a permit for both  
16 types of activities.

17 (5) An on-premises licensee shall not allow the activities  
18 allowed by a permit issued under this section at any time other  
19 than the legal hours for sale and consumption of alcoholic liquor.

20 (6) **AN EXTENDED HOURS PERMIT IS REQUIRED FOR AN ON-PREMISES**  
21 **LICENSEE TO ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES ON THE**  
22 **LICENSED PREMISES AT ANY TIME OTHER THAN THE LEGAL HOURS FOR THE**  
23 **SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR:**

24 (A) **MONOLOGUES, DIALOGUES, MOTION PICTURES, STILL SLIDES,**  
25 **CLOSED CIRCUIT TELEVISION, CONTESTS, OTHER PERFORMANCES FOR PUBLIC**  
26 **VIEWING ON THE LICENSED PREMISES, IF HOLDING A PERMIT FOR THOSE**  
27 **ACTIVITIES.**

1 (B) PATRON DANCING, IF HOLDING A PERMIT FOR THAT ACTIVITY.

2 (C) THE PERFORMANCE OR PLAYING OF AN ORCHESTRA, PIANO, OR  
3 OTHER TYPES OF MUSICAL INSTRUMENTS OR SINGING OR THE VIEWING OF ANY  
4 PUBLICLY BROADCAST TELEVISION TRANSMISSION FROM A FEDERALLY  
5 LICENSED STATION.

6 (7) THE COMMISSION MAY ISSUE AN EXTENDED HOURS PERMIT TO  
7 EITHER OF THE FOLLOWING:

8 (A) A LICENSEE NOT HOLDING AN ENTERTAINMENT, DANCE, OR  
9 COMBINATION DANCE-ENTERTAINMENT PERMIT, WHO DESIRES TO CONDUCT  
10 ACTIVITIES DESCRIBED UNDER SUBSECTION (11).

11 (B) A LICENSEE WHO ALREADY HOLDS, OR SUBMITS AN APPLICATION  
12 FOR, AN ENTERTAINMENT, DANCE, OR COMBINATION DANCE-ENTERTAINMENT  
13 PERMIT IN ORDER TO CONDUCT ACTIVITIES ALLOWED BY THE PERMIT.

14 (8) THE APPLICANT FOR ONLY AN EXTENDED HOURS PERMIT SHALL  
15 OBTAIN THE LOCAL APPROVAL FOR THE EXTENDED HOURS PERMIT UNDER  
16 SUBSECTION (10). AN APPLICANT FOR AN EXTENDED HOURS PERMIT WHO  
17 HOLDS AN ENTERTAINMENT, DANCE, OR COMBINATION DANCE-ENTERTAINMENT  
18 PERMIT SHALL OBTAIN THE LOCAL APPROVAL FOR THE ENTERTAINMENT,  
19 DANCE, OR COMBINATION DANCE-ENTERTAINMENT PERMIT UNDER SUBSECTION  
20 (10) AS WELL AS LOCAL APPROVAL FOR THE EXTENDED HOURS PERMIT UNDER  
21 SUBSECTION (10). THE COMMISSION SHALL WAIVE THE CONDITIONS  
22 CONTAINED IN R 436.1437(1) OF THE MICHIGAN ADMINISTRATIVE CODE  
23 RELATIVE TO THE APPLICATION FOR AN EXTENDED HOURS PERMIT.

24 (9) AN ON-PREMISES LICENSEE ISSUED AN EXTENDED HOURS PERMIT  
25 SHALL NOT ALLOW CUSTOMERS ON THE LICENSED PREMISES DURING THE TIME  
26 PERIOD PROVIDED BY THE EXTENDED HOURS PERMIT UNLESS THE ACTIVITY,  
27 AND ONLY THAT ACTIVITY, ALLOWED BY THE EXTENDED HOURS PERMIT IS

1 OCCURRING. THE ISSUANCE OF AN EXTENDED HOURS PERMIT DOES NOT  
2 AUTHORIZE ANY OF THE FOLLOWING:

3 (A) TOPLESS ACTIVITY.

4 (B) EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBDIVISION,  
5 GAMING AS THAT TERM IS DEFINED IN SECTION 2 OF THE MICHIGAN GAMING  
6 CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.202. A  
7 LICENSEE HOLDING A CASINO LICENSE ISSUED UNDER THE MICHIGAN GAMING  
8 CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO  
9 432.226, MAY CONDUCT GAMING PURSUANT TO THE CASINO LICENSE ONLY.

10 (C) KENO OR OTHER GAMING AUTHORIZED UNDER THE MCCAULEY-  
11 TRAXLER-LAW-BOWMAN-MCNEELY LOTTERY ACT, 1972 PA 239, MCL 432.1 TO  
12 432.47.

13 (D) THE EXTENSION OF HOURS FOR THE SERVING OF ALCOHOLIC  
14 LIQUOR.

15 (E) THE EXTENSION OF HOURS FOR THE CONSUMPTION OF ALCOHOLIC  
16 LIQUOR AS PROVIDED FOR IN R 436.1403 OF THE MICHIGAN ADMINISTRATIVE  
17 CODE.

18 (10) ~~-(6)-~~ Before the issuance of any permit under this  
19 section, the on-premises licensee shall obtain the approval of all  
20 of the following:

21 (a) The commission.

22 (b) Except in cities with a population of 1,000,000 or more,  
23 the local legislative body of the jurisdiction within which the  
24 premises are located.

25 (c) The chief law enforcement officer of the jurisdiction  
26 within which the premises are located or the entity contractually  
27 designated to enforce the law in that jurisdiction.

1           (11) ~~—(7)—~~ The following activities are allowed without the  
2 granting of a permit under this section:

3           (a) The performance or playing of an orchestra, piano, or  
4 other types of musical instruments, or singing.

5           (b) Any publicly broadcast television transmission from a  
6 federally licensed station.

7           (12) ~~—(8)—~~ In the case of a licensee granted an entertainment  
8 or dance permit under R 436.1407 of the Michigan administrative  
9 code who, after January 1, 1998, extended the activities conducted  
10 under that permit to regular or full-time topless activity, that  
11 licensee shall apply to the commission for a topless activity  
12 permit under this section within 60 days after ~~the effective date~~  
13 ~~of this section~~ **APRIL 14, 1998** in order to continue topless  
14 activity. Except as otherwise provided for in this subsection, this  
15 section applies only to entertainment or dance permits issued after  
16 ~~the effective date of this section~~ **APRIL 14, 1998**.

17           (13) ~~—(9)—~~ The fees imposed by the commission for a permit  
18 under this section remain the same as the fees imposed under a  
19 permit issued under R 436.1407 of the Michigan administrative code.

20           (14) ~~—(10)—~~ Except as otherwise provided, this section does  
21 not change the renewal or application process for a license under  
22 section ~~—17—~~ **501** or the renewal process for permits issued under R  
23 436.1407 of the Michigan administrative code.

24           (15) ~~—(11)—~~ As used in this section:

25           (a) "Nudity" means exposure to public view of the whole or  
26 part of the pubic region; the whole or part of the anus; the whole  
27 or part of the buttocks; the whole or part of the genitals; or the

1 breast area including the nipple or more than 1/2 of the area of  
2 the breast.

3 (b) "Topless activity" means activity that includes, but is  
4 not limited to, entertainment or work-related activity performed by  
5 any of the following persons on the licensed premises in which the  
6 female breast area, including the nipple, or more than 1/2 of the  
7 area of the breast, is directly exposed or exposed by means of see-  
8 through clothing or a body stocking:

9 (i) A licensee.

10 (ii) An employee, agent, or contractor of the licensee.

11 (iii) A person acting under the control of or with the  
12 permission of the licensee.