

HOUSE BILL No. 4706

May 3, 2005, Introduced by Reps. Kooiman, Accavitti, Tobocman, Sak, Brandenburg, Elsenheimer, Hildenbrand, Kahn, Walker, Moolenaar, Vander Veen, Baxter, Garfield, Nitz, Pavlov, Bieda, Huizenga, David Law, Pearce, Green, Gaffney, Nofs, Farhat, Jones and Palsrok 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 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
10 for and been granted a dance permit by the commission. Issuance of

1 a dance permit under this subsection does not allow topless
2 activity on the licensed premises.

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

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

16 (5) An on-premises licensee shall not allow the activities
17 allowed by a permit issued under this section at any time other
18 than the legal hours for sale and consumption of alcoholic liquor
19 **UNLESS A SPECIAL PURPOSE PERMIT FOR ENTERTAINMENT ONLY IS ISSUED**
20 **UNDER R 436.1403 OF THE MICHIGAN ADMINISTRATIVE CODE.**

21 (6) Before the issuance of any permit under this section, the
22 on-premises licensee shall obtain the approval of all of the
23 following:

24 (a) The commission.

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

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

4 (7) The following activities are allowed without the granting
5 of a permit under this section:

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

8 (b) Any publicly broadcast television transmission from a
9 federally licensed station.

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

20 (9) The fees imposed by the commission for a permit under this
21 section remain the same as the fees imposed under a permit issued
22 under R 436.1407 of the Michigan administrative code.

23 (10) Except as otherwise provided, this section does not
24 change the renewal or application process for a license under
25 section ~~17~~ **501** or the renewal process for permits issued under R
26 436.1407 of the Michigan administrative code.

27 (11) As used in this section:

1 (a) "Nudity" means exposure to public view of the whole or
2 part of the pubic region; the whole or part of the anus; the whole
3 or part of the buttocks; the whole or part of the genitals; or the
4 breast area including the nipple or more than 1/2 of the area of
5 the breast.

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

12 (i) A licensee.

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

14 (iii) A person acting under the control of or with the
15 permission of the licensee.