

HOUSE BILL No. 4642

March 19, 2009, Introduced by Rep. Johnson and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1111, 1113, and 1114 (MCL 436.2111, 436.2113, and 436.2114), section 1113 as amended and section 1114 as added by 2004 PA 134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1111. (1) The sale of beer and wine between the hours of
2 ~~2 a.m. and 12 midnight~~ **7 A.M. on Sunday AND 2 A.M. ON MONDAY IS**
3 **ALLOWED, BUT** may be prohibited, in any county, city, village, or
4 township **UNDER THE FOLLOWING CIRCUMSTANCES:**

5 **(A) BY MAJORITY VOTE OF THE LEGISLATIVE BODY VOTING ON THE**
6 **RESOLUTION TO MAKE SUCH AN AUTHORIZATION. FAILURE OF THE**
7 **LEGISLATIVE BODY TO ACT ON SUCH AN AUTHORIZATION IS GROUNDS FOR THE**
8 **PETITIONING OF THE COUNTY, CITY, VILLAGE, OR TOWNSHIP FOR**
9 **SUBMISSION OF THE QUESTION TO THE VOTERS OF THE COUNTY, CITY,**

1 VILLAGE, OR TOWNSHIP UNDER SUBSECTION (2).

2 (B) BY SUBMISSION OF A PETITION UNDER SUBSECTION (2) by a
3 majority vote of the electors voting at a regular state election.

4 (2) Not more often than once in every 4 years, upon the filing
5 of a petition with the county, city, village, or township clerk, **BY**
6 **A MAJORITY OF THE ELECTORS VOTING AT A REGULAR STATE ELECTION**
7 **WITHIN THAT COUNTY, VILLAGE, CITY, OR TOWNSHIP**, as applicable,
8 requesting the submission of the question of the Sunday sale of
9 beer and wine, the clerk shall submit that question to the electors
10 of the county, city, village, or township at the next regular state
11 election held in that county, city, village, or township. A
12 petition filed under this subsection shall be filed not less than
13 60 days before the regular state election. A ballot question under
14 this subsection shall not be submitted more often than once in any
15 4-year period.

16 (3) ~~(2)~~—In the case of a county, city, or township, the
17 petition shall be signed by a number of the registered and
18 qualified electors of the county, city, or township that is not
19 less than 35% of the total number of votes cast for all candidates
20 for the office of secretary of state in that county, city, or
21 township at the last general election held for that purpose and, in
22 the case of a village the petition shall be signed by a number of
23 the registered and qualified electors of the village that is less
24 than 35% of the total number of votes cast for all candidates for
25 the office of president of the village at the last village election
26 held for that purpose.

27 (4) ~~(3)~~—The question of the Sunday sale of beer and wine shall

1 be submitted by ballot in substantially the following form:

2 "Shall the sale of beer and wine within (the county, city,
3 village, or township as the case may be) between the hours of ~~2~~
4 ~~a.m. and 12 midnight~~ **7 A.M.** on Sunday **AND 2 A.M. ON MONDAY** be
5 prohibited?

6 Yes

7 No"

8 **(5)** ~~(4)~~ All votes on the question submitted to the electors
9 under this section shall be taken, counted, and canvassed in the
10 same manner as votes cast in county, city, village, or township
11 election, as applicable, are taken, counted, and canvassed. Ballots
12 shall be furnished by the election commission or similar body of
13 the respective county, city, village, or township. If a majority of
14 the electors voting at an election conducted under this section
15 vote in favor of the question submitted, the sale of beer and wine
16 within that county, city, village, or township between the hours of
17 ~~2 a.m. and 12 midnight~~ **7 A.M.** on Sunday **AND 2 A.M. ON MONDAY** is
18 prohibited.

19 Sec. 1113. (1) Except as provided in subsection (2), (3), or
20 (5), a licensee enumerated under section 525 or any other person
21 ~~shall not~~ **MAY** sell at retail, give away, or furnish, and a person
22 ~~shall not knowingly and willfully~~ **MAY** buy, spirits or mixed spirit
23 drink between the hours of ~~2 a.m. and 12 midnight~~ **7 A.M.** on Sunday
24 **AND 2 A.M. ON MONDAY.** ~~If January 1 falls on Sunday, the hours may~~
25 ~~be extended to 4 a.m.~~

26 (2) ~~If~~ **UNLESS** the legislative body of a county has ~~authorized~~
27 **PROHIBITED** the sale of spirits and mixed spirit drink for

1 consumption on the premises on Sunday, by resolution approved by a
2 majority of the legislative body voting on that resolution, the
3 spirits and mixed spirit drink may be sold after ~~12 noon~~ **7 A.M.**,
4 EST, in an establishment licensed under this act in which the gross
5 receipts derived from the sale of food and other goods and services
6 exceed 50% of the total gross receipts. With respect to an action
7 taken by the legislative body or if the legislative body fails to
8 act, a petition may be filed with the county clerk requesting the
9 submission of the question **REGARDING THE PROHIBITION** of the sale of
10 spirits and mixed spirit drink for consumption on the premises in
11 addition to beer and wine on Sunday. The petition shall be signed
12 by a number of the registered and qualified electors of the county
13 that is not less than 8% of the total number of votes cast for all
14 candidates for the office of secretary of state in the county at
15 the last general election held for that purpose. The question shall
16 not be submitted to the electors of a county more than once every 4
17 years. The county clerk shall submit the question at the next
18 regular state election held in the county if the petitions are
19 filed not less than 60 days before the election. The question
20 **REGARDING THE PROHIBITION** of the sale of spirits and mixed spirit
21 drink for consumption on the premises, in addition to beer and
22 wine, on Sunday shall be submitted by ballot in substantially the
23 following form:

24 "Shall the sale of spirits and mixed spirit drink for
25 consumption on the premises be ~~permitted~~ **PROHIBITED** on Sunday in an
26 establishment licensed under the Michigan liquor control code of
27 1998 in which the gross receipts derived from the sale of food or

1 other goods and services exceed 50% of the total gross receipts
2 within the county of under the provisions of the law
3 governing the sale of spirits and mixed spirit drink for
4 consumption?

5 Yes

6 No "

7 (3) ~~if~~ **UNLESS** the legislative body of a county has ~~authorized~~
8 **PROHIBITED** the sale of spirits and mixed spirit drink for
9 consumption off the premises on Sunday by resolution approved by a
10 majority of the legislative body voting on the resolution, spirits
11 and mixed spirit drink may be sold after ~~12 noon~~ **7 A.M.**, EST, in a
12 retail establishment licensed under this act. With respect to an
13 action taken by the legislative body or if the legislative body
14 fails to act, a petition may be filed with the county clerk
15 requesting the submission of the question **REGARDING THE PROHIBITION**
16 of the sale of spirits and mixed spirit drink for consumption off
17 the premises, in addition to beer and wine, in a retail
18 establishment licensed under this act on Sunday. The petition shall
19 be signed by a number of the registered and qualified electors of
20 the county that is not less than 8% of the total number of votes
21 cast for all candidates for the office of secretary of state in the
22 county at the last general election shall not be held for that
23 purpose. The question submitted to the electors of a county more
24 than once every 4 years. The county clerk shall submit the question
25 at the next regular state election held in the county if the
26 petitions are filed not less than 60 days before the election. The
27 question **REGARDING THE PROHIBITION** of the sale of spirits and mixed

1 spirit drink for consumption off the premises, in addition to beer
2 and wine, in a retail establishment licensed under this act on
3 Sunday shall be submitted by ballot in substantially the following
4 form:

5 "Shall the sale of spirits and mixed spirit drink for
6 consumption off the premises be ~~permitted~~**PROHIBITED** on Sunday in a
7 retail establishment licensed under the Michigan liquor control
8 code of 1998 within the county of under the provisions
9 of the law governing the sale of spirits and mixed spirit drink for
10 consumption?

11 Yes

12 No"

13 (4) Votes on a question submitted under this section shall be
14 taken, counted, and canvassed in the same manner as votes cast in
15 county elections are taken, counted, and canvassed. A ballot shall
16 be furnished by the election commission or similar body of the
17 county. If a majority of the electors voting at an election vote in
18 favor of the proposal, **THE SALE OF** spirits and mixed spirit drink
19 may be ~~sold~~**PROHIBITED** in the county under this act for consumption
20 on the premises or by a retail establishment for consumption off
21 the premises, in addition to beer and wine, on Sunday. The sale
22 shall not be permitted in a city, village, or township in which the
23 sale of spirits and mixed spirit drink is prohibited under this
24 act. A violation of this section is a misdemeanor. This section
25 does not apply to spirits and mixed spirit drink served to a bona
26 fide guest in the residence of a person or sold or furnished for
27 medicinal purposes as provided for in this act.

1 (5) A licensee enumerated under section 525 or any other
2 person shall not sell at retail, and a person shall not knowingly
3 and willfully buy, alcoholic liquor between the hours of 9 p.m. on
4 December 24 and 7 a.m. on December 26. If December 26 falls on
5 Sunday, the hours of closing shall be determined pursuant to this
6 act. The legislative body of a city, village, or township, by
7 resolution or ordinance, may prohibit the sale of alcoholic liquor
8 on Sunday or a legal holiday, primary election day, general
9 election day, or municipal election day.

10 Sec. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of
11 the Michigan administrative code and except as otherwise provided
12 under this act or rule of the commission, an on-premises and an
13 off-premises licensee shall not sell, give away, or furnish
14 alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day.
15 ~~and shall not sell, give away, or furnish alcoholic liquor between~~
16 ~~the hours of 2 a.m. and 12 noon, EST, on Sunday. An on-premises and~~
17 ~~an off-premises licensee shall not sell, give away, or furnish~~
18 ~~spirits between the hours of 2 a.m. and 12 midnight on Sunday,~~
19 ~~unless issued a Sunday sales permit by the commission that allows~~
20 ~~the licensee to sell spirits on Sunday between the hours of 12~~
21 ~~noon, EST, and 12 midnight.~~

22 (2) ~~For purposes of R 436.1403 and R 436.1503 of the Michigan~~
23 ~~administrative code, 12 noon on Sunday is considered 12 noon on~~
24 ~~Sunday, EST, for any licensee located in the central time zone.~~

25 **SUBSECTION (1) DOES NOT PREVENT ANY LOCAL GOVERNMENTAL UNIT FROM**
26 **PROHIBITING THE SALE OF BEER AND WINE ON SUNDAYS UNDER SECTION 1111**
27 **AND DOES NOT PREVENT ANY LOCAL GOVERNMENTAL UNIT FROM PROHIBITING**

1 THE SALE OF SPIRITS AND MIXED SPIRIT DRINK ON SUNDAYS UNDER SECTION
2 1113.

3 (3) A reference to the time of day under this act or a rule of
4 the commission includes daylight savings time, when observed.

5 Enacting section 1. This amendatory act takes effect April 1,
6 2010.