

SUBSTITUTE FOR
HOUSE BILL NO. 4360

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 903a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 903A. (1) A LICENSEE IS SUBJECT TO THE LICENSING
2 SANCTIONS IN SUBSECTION (2) IF THE LICENSEE IS CONVICTED OR
3 ADMINISTRATIVELY DISQUALIFIED AS THE RESULT OF AN ELECTRONIC
4 TRANSACTION TO WHICH ALL OF THE FOLLOWING APPLY:
- 5 (A) THE TRANSACTION IS A TRANSACTION FOR FOOD ASSISTANCE
6 PROGRAM BENEFITS.
- 7 (B) THE TRANSACTION INVOLVES AN ITEM OTHER THAN ELIGIBLE FOOD.
- 8 (C) THE TRANSACTION IS RELATED TO THE SALE OF ALCOHOLIC LIQUOR
9 UNDER THAT LICENSEE'S LIQUOR LICENSE.
- 10 (2) THE COMMISSION OR A COMMISSIONER OR DULY AUTHORIZED AGENT
11 OF THE COMMISSION DESIGNATED BY THE CHAIRPERSON OF THE COMMISSION

House Bill No. 4360 (H-1) as amended April 23, 2013

1 SHALL, UPON DUE NOTICE AND PROPER HEARING, IMPOSE THE FOLLOWING

2 LICENSE SANCTIONS UPON A LICENSEE DESCRIBED IN SUBSECTION (1):

3 (A) FOR A FIRST VIOLATION, A LICENSE SUSPENSION FOR BETWEEN 30
4 AND 60 DAYS.

5 (B) FOR A SECOND VIOLATION, A LICENSE SUSPENSION FOR BETWEEN
6 61 AND 120 DAYS.

7 (C) FOR A THIRD OR SUBSEQUENT VIOLATION, REVOCATION OF THE
8 LICENSE.

9 (3) A LICENSEE AGGRIEVED BY A SANCTION IMPOSED UNDER
10 SUBSECTION (2) MAY INVOKE THE HEARING AND APPEAL PROCEDURES OF
11 SECTION 903(2) AND RULES PROMULGATED UNDER THAT SECTION.

12 (4) AS USED IN THIS SECTION:

13 (A) "ADMINISTRATIVELY DISQUALIFIED" MEANS ADMINISTRATIVELY
14 DISQUALIFIED FROM ACTING AS A MERCHANT UNDER THE FOOD AND NUTRITION
15 ACT OF 2008, 7 USC 2011 TO 2036A, OR 7 CFR 278.6 BECAUSE THE
16 LICENSEE HAS ENGAGED IN TRAFFICKING AS THAT TERM IS DEFINED IN 7
17 CFR 271.2. A LICENSEE IS NOT ADMINISTRATIVELY DISQUALIFIED UNTIL
18 ANY ADMINISTRATIVE OR JUDICIAL REVIEW UNDER 7 CFR 279 IS COMPLETE.

19 (B) "CONVICTED" MEANS THAT THE LICENSEE EITHER WAS CONVICTED
20 OF OR PLED GUILTY TO A CRIME UNDER SECTION 300A(1)(C) OF THE
21 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.300A.

22 (C) "ELIGIBLE FOOD" MEANS THAT TERM AS DEFINED IN 7 CFR 271.2.
[Enacting section 1. This amendatory act takes effect on the
expiration of 90 days after the date it is enacted into law.]