

HOUSE BILL No. 6467

September 12, 2006, Introduced by Reps. Drolet and Ward 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 1113 and 1114 (MCL 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. 1113. (1) Except as provided in subsection (2), (3), or
2 (5), a licensee enumerated under section 525 or any other person
3 shall not sell at retail, give away, or furnish, and a person shall
4 not knowingly and willfully buy, spirits or mixed spirit drink
5 between the hours of 2 a.m. and 12 midnight on Sunday. If January 1
6 falls on Sunday, the hours may be extended to 4 a.m.

7 (2) If the legislative body of a county has authorized the
8 sale of spirits and mixed spirit drink for consumption on the

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

23 "Shall the sale of spirits and mixed spirit drink for
24 consumption on the premises be permitted on Sunday in an
25 establishment licensed under the Michigan liquor control code of
26 1998 in which the gross receipts derived from the sale of food or
27 other goods and services exceed 50% of the total gross receipts

1 within the county of under the provisions of the law
2 governing the sale of spirits and mixed spirit drink for
3 consumption?

4 Yes _____

5 No _____ ".

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

1 Sunday shall be submitted by ballot in substantially the following
2 form:

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

9 Yes _____

10 No _____".

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

26 (5) A licensee enumerated under section 525 or any other
27 person shall not sell at retail, and a person shall not knowingly

1 and willfully buy, alcoholic liquor between the hours of 9 p.m. on
2 December 24 and 7 a.m. on December 26. If December 26 falls on
3 Sunday, the hours of closing shall be determined pursuant to this
4 act. The legislative body of a city, village, or township, by
5 resolution or ordinance, may prohibit the sale of alcoholic liquor
6 on Sunday or a legal holiday, primary election day, general
7 election day, or municipal election day.

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

20 (2) NOTWITHSTANDING R 436.1503 OF THE MICHIGAN ADMINISTRATIVE
21 CODE AND EXCEPT AS OTHERWISE PROVIDED UNDER THIS ACT OR RULE OF THE
22 COMMISSION, AN OFF-PREMISES LICENSEE SHALL NOT SELL, GIVE AWAY, OR
23 FURNISH ALCOHOLIC LIQUOR BETWEEN THE HOURS OF 2 A.M. AND 7 A.M.,
24 EST, ON SUNDAY UNLESS ALLOWED UNDER SECTION 1113(3). AN OFF-
25 PREMISES LICENSEE SHALL NOT SELL, GIVE AWAY, OR FURNISH ALCOHOLIC
26 LIQUOR BETWEEN THE HOURS OF 2 A.M. AND 7 A.M., EST, UNLESS ISSUED A
27 SUNDAY SALES PERMIT BY THE COMMISSION THAT ALLOWS SUCH SALES.

1 (3) ~~—(2)—~~ For purposes of R 436.1403 and R 436.1503 of the
2 Michigan administrative code, 12 noon on Sunday is considered 12
3 noon on Sunday, EST, for any licensee located in the central time
4 zone.

5 (4) ~~—(3)—~~ A reference to the time of day under this act or a
6 rule of the commission includes daylight savings time, when
7 observed.