

SUBSTITUTE FOR
HOUSE BILL NO. 4361

A bill to amend 1972 PA 239, entitled
"McCauley-Traxler-Law-Bowman-McNeely lottery act,"
(MCL 432.1 to 432.47) by adding section 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 24. (1) A PERSON WHO HOLDS A LOTTERY SALES LICENSE IS
2 SUBJECT TO LICENSING ACTION AS PROVIDED IN SUBSECTION (2) IF THE
3 PERSON IS CONVICTED OR ADMINISTRATIVELY DISQUALIFIED AS THE RESULT
4 OF A 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
8 FOODS.

9 (C) THE TRANSACTION IS RELATED TO THE SALE OF A LOTTERY TICKET
10 UNDER THE LOTTERY SALES LICENSE.

House Bill No. 4361 (H-2) as amended April 23, 2013

1 (2) THE COMMISSIONER SHALL TAKE THE FOLLOWING ACTION UNDER
2 SECTION 23 WITH RESPECT TO THE LICENSE OF A PERSON DESCRIBED IN
3 SUBSECTION (1):

4 (A) FOR A FIRST OFFENSE UNDER THIS SECTION BY THE PERSON,
5 SUSPEND THE LICENSE FOR AT LEAST 30 AND UP TO 60 DAYS.

6 (B) FOR A SECOND OFFENSE UNDER THIS SECTION BY THE PERSON,
7 SUSPEND THE LICENSE FOR AT LEAST 61 AND UP TO 120 DAYS.

8 (C) FOR A THIRD OR SUBSEQUENT OFFENSE UNDER THIS SECTION BY
9 THE PERSON, REVOKE THE LICENSE.

10 (3) AS USED IN THIS SECTION:

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

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

20 (C) "ELIGIBLE FOODS" MEANS THAT TERM AS DEFINED IN 7 CFR
21 271.2.

[Enacting section 1. This amendatory act takes effect on the
expiration of 90 days after the date it is enacted into law.]