

SUBSTITUTE FOR  
SENATE BILL NO. 891

A bill to amend 1933 (Ex Sess) PA 8, entitled  
"The Michigan liquor control act,"  
(MCL 436.1 to 436.58) by adding section 26d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 26D. (1) AN ON-PREMISES LICENSEE SHALL NOT ALLOW MONO-  
2 LOGUES, DIALOGUES, MOTION PICTURES, STILL SLIDES, CLOSED CIRCUIT  
3 TELEVISION, CONTESTS, OR OTHER PERFORMANCES FOR PUBLIC VIEWING ON  
4 THE LICENSED PREMISES UNLESS THE LICENSEE HAS APPLIED FOR AND  
5 BEEN GRANTED AN ENTERTAINMENT PERMIT BY THE COMMISSION.  
6           (2) AN ON-PREMISES LICENSEE SHALL NOT ALLOW DANCING BY CUS-  
7 TOMERS ON THE LICENSED PREMISES UNLESS THE LICENSEE HAS APPLIED  
8 FOR AND BEEN GRANTED A DANCE PERMIT BY THE COMMISSION. ISSUANCE  
9 OF A DANCE PERMIT UNDER THIS SUBSECTION DOES NOT ALLOW TOPLESS  
10 ACTIVITY ON THE LICENSED PREMISES.

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1 (3) AN ON-PREMISES LICENSEE SHALL NOT ALLOW TOPLESS ACTIVITY  
2 BY CUSTOMERS OR EMPLOYEES, OR BOTH, ON THE LICENSED PREMISES  
3 UNLESS THE LICENSEE HAS APPLIED FOR AND BEEN GRANTED A TOPLESS  
4 ACTIVITY PERMIT BY THE COMMISSION. ISSUANCE OF A TOPLESS ACTIV-  
5 ITY PERMIT INCLUDES THE ACTIVITIES ALLOWED UNDER A DANCE PERMIT  
6 ISSUED UNDER SUBSECTION (2).

7 (4) THE COMMISSION MAY ISSUE TO AN ON-PREMISES LICENSEE A  
8 COMBINATION DANCE-ENTERTAINMENT PERMIT OR TOPLESS  
9 ACTIVITY-ENTERTAINMENT PERMIT AFTER APPLICATION REQUESTING A  
10 PERMIT FOR BOTH TYPES OF ACTIVITIES.

11 (5) AN ON-PREMISES LICENSEE SHALL NOT ALLOW THE ACTIVITIES  
12 ALLOWED BY A PERMIT ISSUED UNDER THIS SECTION AT ANY TIME OTHER  
13 THAN THE LEGAL HOURS FOR SALE AND CONSUMPTION OF ALCOHOLIC  
14 LIQUOR.

15 (6) BEFORE THE ISSUANCE OF ANY PERMIT UNDER THIS SECTION,  
16 THE ON-PREMISES LICENSEE SHALL OBTAIN THE APPROVAL OF ALL OF THE  
17 FOLLOWING:

18 (A) THE COMMISSION.

19 (B) EXCEPT IN CITIES WITH A POPULATION OF 1,000,000 OR MORE,  
20 THE LOCAL LEGISLATIVE BODY OF THE JURISDICTION WITHIN WHICH THE  
21 PREMISES ARE LOCATED.

22 (C) THE CHIEF LAW ENFORCEMENT OFFICER OF THE JURISDICTION  
23 WITHIN WHICH THE PREMISES ARE LOCATED OR THE ENTITY CONTRACTUALLY  
24 DESIGNATED TO ENFORCE THE LAW IN THAT JURISDICTION.

25 (7) THE FOLLOWING ACTIVITIES ARE ALLOWED WITHOUT THE GRANT-  
26 ING OF A PERMIT UNDER THIS SECTION:

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1 (A) THE PERFORMANCE OR PLAYING OF AN ORCHESTRA, PIANO OR  
2 OTHER TYPES OF MUSICAL INSTRUMENTS, OR SINGING.

3 (B) ANY PUBLICLY BROADCAST TELEVISION TRANSMISSION FROM A  
4 FEDERALLY LICENSED STATION.

5 (8) IN THE CASE OF A LICENSEE GRANTED AN ENTERTAINMENT OR  
6 DANCE PERMIT UNDER R 436.1407 OF THE MICHIGAN ADMINISTRATIVE CODE  
7 WHO, AFTER JANUARY 1, 1998, EXTENDED THE ACTIVITIES CONDUCTED  
8 UNDER THAT PERMIT TO REGULAR OR FULL-TIME TOPLESS ACTIVITY, THAT  
9 LICENSEE SHALL APPLY TO THE COMMISSION FOR A TOPLESS ACTIVITY  
10 PERMIT UNDER THIS SECTION WITHIN 60 DAYS AFTER THE EFFECTIVE DATE  
11 OF THIS SECTION IN ORDER TO CONTINUE TOPLESS ACTIVITY. EXCEPT AS  
12 OTHERWISE PROVIDED FOR IN THIS SUBSECTION, THIS SECTION APPLIES  
13 ONLY TO ENTERTAINMENT OR DANCE PERMITS ISSUED AFTER THE EFFECTIVE  
14 DATE OF THIS SECTION.

15 (9) THE FEES IMPOSED BY THE COMMISSION FOR A PERMIT UNDER  
16 THIS SECTION REMAIN THE SAME AS THE FEES IMPOSED UNDER A PERMIT  
17 ISSUED UNDER R 436.1407 OF THE MICHIGAN ADMINISTRATIVE CODE.

18 (10) EXCEPT AS OTHERWISE PROVIDED, THIS SECTION DOES NOT  
19 CHANGE THE RENEWAL OR APPLICATION PROCESS FOR A LICENSE UNDER  
20 SECTION 17 OR THE RENEWAL PROCESS FOR PERMITS ISSUED UNDER  
21 R 436.1407 OF THE MICHIGAN ADMINISTRATIVE CODE.

22 (11) AS USED IN THIS SECTION, "TOPLESS ACTIVITY" MEANS  
23 ACTIVITY THAT INCLUDES, BUT IS NOT LIMITED TO, ENTERTAINMENT OR  
24 WORK-RELATED ACTIVITY PERFORMED BY ANY OF THE FOLLOWING PERSONS  
25 ON THE LICENSED PREMISES IN WHICH THE HUMAN BREAST AREA, INCLUD-  
26 ING THE NIPPLE, OR MORE THAN 1/2 OF THE AREA OF THE BREAST, IS

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1 DIRECTLY EXPOSED OR EXPOSED BY MEANS OF SEE-THROUGH CLOTHING OR A  
2 BODY STOCKING:

3 (A) A LICENSEE.

4 (B) AN EMPLOYEE, AGENT, OR CONTRACTOR OF THE LICENSEE.

5 (C) A PERSON ACTING UNDER THE CONTROL OF OR WITH THE PERMIS-  
6 SION OF THE LICENSEE.