



HOUSE BILL No. 5132

November 10, 1999, Introduced by Rep. Koetje and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2721) by adding article 17A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 17A

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SEC. 1769. (1) AN ADULT ENTERTAINMENT ESTABLISHMENT SHALL NOT BE LOCATED IN A SHOPPING AREA CONTAINING 1 OR MORE PARCELS OF LAND OWNED BY A COMMON OWNER OR COMMON OWNERS IF THE SHOPPING AREA HAS 4 OR MORE RETAIL STORES.

(2) AN ADULT ENTERTAINMENT ESTABLISHMENT SHALL NOT OPEN TO DO BUSINESS BEFORE 10 A.M., MONDAY THROUGH SATURDAY, AND AN ADULT ENTERTAINMENT ESTABLISHMENT SHALL NOT REMAIN OPEN AFTER 10 P.M., MONDAY THROUGH SATURDAY. NO ADULT ENTERTAINMENT ESTABLISHMENT SHALL BE OPEN FOR BUSINESS ON ANY SUNDAY OR A LEGAL HOLIDAY.

1 (3) ALL PERSONS ENGAGED BY AN ADULT ENTERTAINMENT
2 ESTABLISHMENT TO PROVIDE ENTERTAINMENT, MASSAGE, OR OTHER
3 SERVICES TO ITS CUSTOMERS OR PATRONS SHALL BE ENGAGED AS EMPLOY-
4 EES OF THE ADULT ENTERTAINMENT ESTABLISHMENT. AN ADULT ENTER-
5 TAINMENT ESTABLISHMENT SHALL NOT ENGAGE INDEPENDENT CONTRACTORS
6 TO PROVIDE ENTERTAINMENT, MASSAGE, OR OTHER SERVICES TO ITS CUS-
7 TOMERS OR PATRONS.

8 SEC. 1770. (1) AN OWNER, MANAGER, OPERATOR, PROCURER, OR
9 EMPLOYEE OF AN ADULT ENTERTAINMENT ESTABLISHMENT OR MASSAGE
10 ESTABLISHMENT SHALL NOT KNOWINGLY ADMIT OR ALLOW TO REMAIN ON THE
11 PREMISES OF THE ADULT ENTERTAINMENT ESTABLISHMENT OR MASSAGE
12 ESTABLISHMENT AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

13 (2) IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6, A
14 VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE
15 OF \$1,000.00 FOR THE FIRST OFFENSE OR \$5,000.00 FOR A SUBSEQUENT
16 OFFENSE.

17 (3) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS
18 SECTION THAT THE INDIVIDUAL UNDER THE AGE OF 21 YEARS PRESENTED
19 IDENTIFICATION TO THE ACCUSED IF THE IDENTIFICATION CONTAINS A
20 PHOTOGRAPH OF THE INDIVIDUAL AND CONTAINS OTHER INFORMATION THAT
21 WOULD LEAD A REASONABLE PERSON TO BELIEVE THE INDIVIDUAL WAS 21
22 YEARS OF AGE OR OLDER.

23 Enacting section 1. This amendatory act does not take
24 effect unless all of the following bills of the 90th Legislature
25 are enacted into law:

26 (a) Senate Bill No. ____ or House Bill No. 5124 (request
27 no. 04171'99 *).

1 (b) Senate Bill No. ____ or House Bill No. 5125 (request
2 no. 04171'99 a *).

3 (c) Senate Bill No. ____ or House Bill No. 5126 (request
4 no. 05234'99).

5 (d) Senate Bill No. ____ or House Bill No. 5127 (request
6 no. 05235'99).

7 (e) Senate Bill No. ____ or House Bill No. 5128 (request
8 no. 05236'99).

9 (f) Senate Bill No. ____ or House Bill No. 5129 (request
10 no. 05237'99).

11 (g) Senate Bill No. ____ or House Bill No. 5130 (request
12 no. 05238'99).

13 (h) Senate Bill No. ____ or House Bill No. 5131 (request
14 no. 05239'99).