

HOUSE BILL No. 4360

March 5, 2013, Introduced by Reps. Haines, Foster, Lyons, Jacobsen, Kowall, O'Brien, Graves, Rogers, Genetski, Lori, McBroom, LaFontaine, Johnson, Kurtz, Heise and Tlaib and referred to the Committee on Regulatory Reform.

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.

1 (2) THE COMMISSION OR A COMMISSIONER OR DULY AUTHORIZED AGENT
2 OF THE COMMISSION DESIGNATED BY THE CHAIRPERSON OF THE COMMISSION
3 SHALL, UPON DUE NOTICE AND PROPER HEARING, IMPOSE THE FOLLOWING
4 LICENSE SANCTIONS UPON A LICENSEE DESCRIBED IN SUBSECTION (1):

5 (A) FOR A FIRST VIOLATION, A LICENSE SUSPENSION FOR 60 DAYS.

6 (B) FOR A SECOND OR SUBSEQUENT VIOLATION, REVOCATION OF THE
7 LICENSE.

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

11 (4) AS USED IN THIS SECTION:

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

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

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