

SENATE BILL No. 706

December 4, 2013, Introduced by Senators JONES, SCHUITMAKER, JANSEN and GREEN 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 916a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 916A. (1) THE PURPOSE OF THIS SECTION IS TO PROMOTE THE
2 HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THIS STATE
3 AND TO ESTABLISH REASONABLE AND UNIFORM REGULATIONS TO PREVENT THE
4 DELETERIOUS SECONDARY EFFECTS THAT ARE LIKELY TO ARISE FROM THE
5 COMBINATION OF ADULT ENTERTAINMENT AND ALCOHOLIC LIQUOR WITHIN THIS
6 STATE, INCLUDING, BUT NOT LIMITED TO, HEALTH AND SAFETY PROBLEMS IN
7 AND AROUND PUBLIC PLACES OF ADULT ENTERTAINMENT AND DANGEROUS AND
8 UNLAWFUL CONDUCT IN AND AROUND PUBLIC PLACES OF ADULT
9 ENTERTAINMENT. THIS SECTION IS UNRELATED TO THE SUPPRESSION OF

1 EXPRESSION AND SHALL NOT EFFECT OR IMPOSE A LIMITATION OR
2 RESTRICTION ON THE CONTENT OR RESTRICT OR DENY ACCESS BY ADULTS TO
3 ADULT ENTERTAINMENT.

4 (2) AN ON-PREMISES LICENSEE SHALL NOT ALLOW IN OR UPON THE
5 LICENSED PREMISES A PERSON WHO KNOWINGLY OR INTENTIONALLY APPEARS
6 BEFORE A PATRON OR PATRONS IN A STATE OF NUDITY. AN ON-PREMISES
7 LICENSEE SHALL NOT EXHIBIT IN OR UPON THE LICENSED PREMISES THROUGH
8 ANY MECHANICAL OR ELECTRONIC IMAGE-PRODUCING DEVICE, A FILM, VIDEO
9 CASSETTE, DIGITAL VIDEO DISK, OR OTHER VIDEO REPRODUCTION
10 CHARACTERIZED BY AN EMPHASIS ON THE DISPLAY OF SPECIFIED SEXUAL
11 ACTIVITIES, SPECIFIED ANATOMICAL AREAS, OR OTHER TYPES OF NUDITY.
12 THIS PROHIBITION DOES NOT APPLY TO ANY PUBLICLY BROADCAST
13 TELEVISION TRANSMISSION FROM A FEDERALLY LICENSED STATION.

14 (3) AS USED IN THIS SECTION:

15 (A) "ADULT ENTERTAINMENT" MEANS ANY EXHIBITION THAT INVOLVES A
16 PERSON IN A STATE OF NUDITY.

17 (B) "NUDITY" MEANS EXPOSURE TO PUBLIC VIEW OF THE WHOLE OR
18 PART OF THE PUBIC REGION; THE WHOLE OR PART OF THE ANUS; THE WHOLE
19 OR PART OF THE BUTTOCKS; THE WHOLE OR PART OF THE GENITALS; OR THE
20 BREAST AREA INCLUDING THE NIPPLE OR MORE THAN 1/2 OF THE AREA OF
21 THE BREAST.

22 (C) "SPECIFIED ANATOMICAL AREAS" MEANS LESS THAN COMPLETELY
23 AND OPAQUELY COVERED AND EXPOSED FOR PUBLIC VIEW OF THE WHOLE OR
24 PART OF THE PUBIC REGION; THE WHOLE OR PART OF THE ANUS; THE WHOLE
25 OR PART OF THE BUTTOCKS; THE WHOLE OR PART OF THE GENITALS; OR THE
26 BREAST AREA INCLUDING THE NIPPLE OR MORE THAN 1/2 OF THE AREA OF
27 THE BREAST.

1 (D) "SPECIFIED SEXUAL ACTIVITIES" MEANS WHERE THE PERSON
2 PERFORMS, OR SIMULATES PERFORMANCE OF, SEXUAL INTERCOURSE,
3 MASTURBATION, SODOMY, BESTIALITY, FELLATIO, OR CUNNILINGUS.