

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LV

LOTTERIES

750.372 Lotteries and gift enterprises; prohibited acts; applicability of subsection (1); “promotional activity” defined; violation as misdemeanor; penalty.

Sec. 372. (1) Except as otherwise provided by law or in this section, a person shall not do any of the following:

- (a) Set up or promote within this state any lottery or gift enterprise for money.
- (b) Dispose of any property, real or personal, goods, chattels, merchandise, or valuable thing by the way of lottery or gift enterprise.
- (c) Aid, either by printing or writing, or in any way be concerned in the setting up, managing, or drawing of a lottery or gift enterprise.
- (d) In a house, shop, or building owned or occupied by him or her or under his or her control, knowingly permit the setting up, managing, or drawing of any lottery or gift enterprise, or knowingly permit the sale of any lottery ticket or share of a ticket, or any other writing, certificate, bill, goods, chattels, merchandise, token, or other device purporting or intended to entitle the holder or bearer or other person to any prize or gift or any share of or interest in any prize or gift to be drawn in any lottery or gift enterprise.
- (e) Knowingly allow money or other property to be raffled off in a house, shop, or building owned or occupied by him or her or allow money or other property to be won by throwing or using dice or by any other game or course of chance.

(2) Subsection (1) does not apply to a lottery or gift enterprise conducted by a person as a promotional activity that is clearly occasional and ancillary to the primary business of that person. As used in this subsection, "promotional activity" means an activity that is calculated to promote a business enterprise or the sale of its products or services, but does not include a lottery or gift enterprise involving the payment of money solely for the chance or opportunity to win a prize or a lottery or gift enterprise that may be entered by purchasing a product or service for substantially more than its fair market value.

(3) A person violating subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.372;—Am. 1996, Act 206, Imd. Eff. May 21, 1996.

Former law: See section 1 of Ch. 160 of R.S. 1846, being CL 1857, § 5891; CL 1871, § 7735; How., § 9331; CL 1897, § 11344; CL 1915, § 15050; CL 1929, § 16613; and Act 86 of 1867.

750.372a “Game promotion” defined; force or coercion to purchase, presumption; predetermining identity of one entitled to prize; disclosing description, amount, number of prizes; penalty, misdemeanor.

Sec. 372a. (a) For purposes of this section, the term game promotion shall mean any game or contest in which the elements of chance and prize are present but in which the element of consideration is not present.

(b) No person shall force or coerce his lessee, agent or franchise dealer to purchase game promotions. For the purposes of this subsection, coercion or force may be presumed in those circumstances in which a course of business conduct extending over a period of 1 year or longer between a lessor and lessee or a principal and agent or an owner and franchise dealer is materially changed coincident with a failure or refusal of a lessee, agent or franchise dealer to purchase game promotions.

(c) No person who shall conduct a game promotion within this state shall, in connection with such promotion, predetermine the identity of any individual entitled to receive a prize in such game promotion.

(d) Any person who shall conduct a game promotion within this state shall disclose to participants as to such game promotion, on a prominent poster in case such game promotion is conducted by a retail outlet, or on any card, game piece, entry blank or any other paraphernalia required for participation in a game promotion in case such game promotion is not conducted in a retail outlet, the geographic area or number of outlets in which the game promotion is proposed to be conducted, an accurate description of each type of prize to be made available, the minimum number and minimum amount of cash prizes to be made available and the minimum number of each other type of prize to be made available.

(e) Any person guilty of a violation of this section, shall be guilty of a misdemeanor.

History: Add. 1968, Act 348, Eff. Nov. 15, 1968.

750.373 Game promotion; tickets; selling, possession, exchange.

Sec. 373. Selling, etc., lottery or gift enterprise tickets—Any person who shall sell either for himself or for any other person, or shall offer for sale, or shall have in his possession with intent to sell or offer for sale, or to exchange or negotiate, or shall in any wise aid or assist in the selling, negotiating or disposing of a ticket in any such lottery or gift enterprise, or a share of a ticket, or any such writing, certificate, bill, goods or merchandise, token or other device as mentioned in the next preceding section, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.373.

Former law: See section 2 of Ch. 160 of R.S. 1846, being CL 1857, § 5892; CL 1871, § 7736; How., § 9332; CL 1897, § 11345; CL 1915, § 15051; CL 1929, § 16614; and Act 86 of 1867.

750.374 Game promotion; second offense.

Sec. 374. Second offense—If any person shall, after being convicted of any offense mentioned in either of the 2 next preceding sections, commit the like offense, or any other of the offenses therein mentioned, he shall be guilty of a felony.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.374.

Former law: See section 3 of Ch. 160 of R.S. 1846, being CL 1857, § 5893; CL 1871, § 7737; How., § 9333; CL 1897, § 11346; CL 1915, § 15052; CL 1929, § 16615; and Act 86 of 1867.

750.375 Advertising, printing, or publishing lottery tickets; prohibited conduct; violation as misdemeanor; penalty.

Sec. 375. (1) Except in the case of a lottery or gift enterprise conducted pursuant to section 372(2), a person shall not advertise, print, or publish any lottery ticket or gift enterprise or any share in a lottery ticket for sale either by himself or herself or by another person.

(2) Except in the case of a lottery or gift enterprise conducted pursuant to section 372(2), a person shall not set up or exhibit or devise and make for the purpose of being set up and exhibited any sign, symbol, or any emblematic or other representation of a lottery or gift enterprise or of its drawing in any way indicating where a lottery ticket or a share in a lottery ticket or any such writing, certificate, bill, goods, merchandise or chattels, token, or other device may be purchased or obtained and shall not in any way invite or entice, or attempt to entice, any other person to purchase or receive the lottery ticket or a share in a lottery ticket.

(3) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.375;—Am. 1996, Act 206, Imd. Eff. May 21, 1996;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 4 of Ch. 160 of R.S. 1846, being CL 1857, § 5894; CL 1871, § 7738; How., § 9334; CL 1897, § 11347; CL 1915, § 15053; CL 1929, § 16616; and Act 86 of 1867.

750.376 Extension and application of chapter.

Sec. 376. (1) Except as provided in subsection (2), this chapter shall extend and apply to lotteries owned and carried on in another state.

(2) This chapter shall not apply to the manufacturing and transportation of material in this state in connection with a lottery lawfully conducted in another country or state.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.376;—Am. 1977, Act 318, Imd. Eff. Jan. 9, 1978.

Former law: See section 5 of Ch. 160 of R.S. 1846, being CL 1871, § 7739; How., § 9335; CL 1897, § 11348; CL 1915, § 15054; CL 1929, § 16617; and Act 237 of 1859.

750.376a Loan promotion raffle or savings promotion raffle; inapplicability of chapter.

Sec. 376a. This chapter does not apply to a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411, to a loan promotion raffle or savings promotion raffle conducted by a state bank under section 4111 of the banking code of 1999, 1999 PA 276, MCL 487.14111, or to a loan promotion raffle or savings promotion raffle conducted by a federally chartered credit union, a national bank, or a federally chartered savings and loan association that is conducted in the same manner as a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411.

History: Add. 1982, Act 395, Eff. Mar. 30, 1983;—Am. 2003, Act 217, Imd. Eff. Dec. 2, 2003;—Am. 2014, Act 400, Imd. Eff. Dec. 29, 2014;—Am. 2016, Act 163, Eff. Sept. 7, 2016.