SUBSTITUTE FOR HOUSE BILL NO. 4361

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," (MCL 432.1 to 432.47) by adding section 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 24. (1) A PERSON WHO HOLDS A LOTTERY SALES LICENSE IS
- 2 SUBJECT TO LICENSING ACTION AS PROVIDED IN SUBSECTION (2) IF THE
- 3 PERSON IS CONVICTED OR ADMINISTRATIVELY DISQUALIFIED AS THE RESULT
- 4 OF A 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
- 8 FOODS.
- 9 (C) THE TRANSACTION IS RELATED TO THE SALE OF A LOTTERY TICKET
- 10 UNDER THE LOTTERY SALES LICENSE.

House Bill No. 4361 (H-2) as amended April 23, 2013

- 1 (2) THE COMMISSIONER SHALL TAKE THE FOLLOWING ACTION UNDER
- 2 SECTION 23 WITH RESPECT TO THE LICENSE OF A PERSON DESCRIBED IN
- 3 SUBSECTION (1):
- 4 (A) FOR A FIRST OFFENSE UNDER THIS SECTION BY THE PERSON,
- 5 SUSPEND THE LICENSE FOR AT LEAST 30 AND UP TO 60 DAYS.
- 6 (B) FOR A SECOND OFFENSE UNDER THIS SECTION BY THE PERSON,
- 7 SUSPEND THE LICENSE FOR AT LEAST 61 AND UP TO 120 DAYS.
- 8 (C) FOR A THIRD OR SUBSEQUENT OFFENSE UNDER THIS SECTION BY
- 9 THE PERSON, REVOKE THE LICENSE.
- 10 (3) AS USED IN THIS SECTION:
- 11 (A) "ADMINISTRATIVELY DISOUALIFIED" MEANS ADMINISTRATIVELY
- 12 DISOUALIFIED FROM ACTING AS A MERCHANT UNDER THE FOOD AND NUTRITION
- 13 ACT OF 2008, 7 USC 2011 TO 2036A, OR 7 CFR 278.6 BECAUSE THE PERSON
- 14 HAS ENGAGED IN TRAFFICKING AS THAT TERM IS DEFINED IN 7 CFR 271.2.
- 15 A PERSON IS NOT ADMINISTRATIVELY DISQUALIFIED UNTIL ANY
- 16 ADMINISTRATIVE OR JUDICIAL REVIEW UNDER 7 CFR 279 IS COMPLETE.
- 17 (B) "CONVICTED" MEANS THAT THE PERSON EITHER WAS CONVICTED OF
- 18 OR PLED GUILTY TO A CRIME UNDER SECTION 300A(1)(C) OF THE MICHIGAN
- 19 PENAL CODE, 1931 PA 328, MCL 750.300A.
- 20 (C) "ELIGIBLE FOODS" MEANS THAT TERM AS DEFINED IN 7 CFR
- 21 271.2.

[Enacting section 1. This amendatory act takes effect on the expiration of 90 days after the date it is enacted into law.]