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 DISQUALIFIED" MEANS ADMINISTRATIVELY

12 DISQUALIFIED 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.]