

**SUBSTITUTE FOR  
HOUSE BILL NO. 4873**

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 916 (MCL 436.1916).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 916. (1) An on-premises licensee shall not allow mono-  
2 logues, dialogues, motion pictures, still slides, closed circuit  
3 television, contests, or other performances for public viewing on  
4 the licensed premises unless the licensee has applied for and  
5 been granted an entertainment permit by the commission. Issuance  
6 of an entertainment permit under this subsection does not allow  
7 topless activity on the licensed premises.  
8       (2) An on-premises licensee shall not allow dancing by cus-  
9 tomers on the licensed premises unless the licensee has applied  
10 for and been granted a dance permit by the commission. Issuance

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1 of a dance permit under this subsection does not allow topless  
2 activity on the licensed premises.

3       (3) An on-premises licensee shall not allow topless activity  
4 on the licensed premises unless the licensee has applied for and  
5 been granted a topless activity permit by the commission. This  
6 section is not intended to prevent a local unit of government  
7 from enacting an ordinance prohibiting topless activity or nudity  
8 on a licensed premises located within that local unit of  
9 government. This subsection applies only to topless activity  
10 permits issued by the commission to on-premises licensees located  
11 in counties with a population of 95,000 or less.

12       (4) The commission may issue to an on-premises licensee a  
13 combination dance-entertainment permit or topless  
14 activity-entertainment permit after application requesting a  
15 permit for both types of activities.

16       (5) An on-premises licensee shall not allow the activities  
17 allowed by a permit issued under this section at any time other  
18 than the legal hours for sale and consumption of alcoholic  
19 liquor.

20       (6) Before the issuance of any permit under this section,  
21 the on-premises licensee shall obtain the approval of all of the  
22 following:

23       (a) The commission.

24       (b) Except in cities with a population of ~~1,000,000~~  
25 750,000 or more, the local legislative body of the jurisdiction  
26 within which the premises are located.

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1 (c) The chief law enforcement officer of the jurisdiction  
2 within which the premises are located or the entity contractually  
3 designated to enforce the law in that jurisdiction.

4 (7) The following activities are allowed without the grant-  
5 ing of a permit under this section:

6 (a) The performance or playing of an orchestra, piano, or  
7 other types of musical instruments, or singing.

8 (b) Any publicly broadcast television transmission from a  
9 federally licensed station.

10 (8) In the case of a licensee granted an entertainment or  
11 dance permit under R 436.1407 of the Michigan administrative code  
12 who, after January 1, 1998, extended the activities conducted  
13 under that permit to regular or full-time topless activity, that  
14 licensee shall apply to the commission for a topless activity  
15 permit under this section within 60 days after the effective date  
16 of this section in order to continue topless activity. Except as  
17 otherwise provided for in this subsection, this section applies  
18 only to entertainment or dance permits issued after ~~the effec-~~  
19 ~~tive date of this section~~ APRIL 14, 1998.

20 (9) The fees imposed by the commission for a permit under  
21 this section remain the same as the fees imposed under a permit  
22 issued under R 436.1407 of the Michigan administrative code.

23 (10) Except as otherwise provided, this section does not  
24 change the renewal or application process for a license under  
25 section ~~17~~ 501 or the renewal process for permits issued under  
26 R 436.1407 of the Michigan administrative code.

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1 (11) As used in this section:

2 (a) "Nudity" means exposure to public view of the whole or  
3 part of the pubic region; the whole or part of the anus; the  
4 whole or part of the buttocks; the whole or part of the genitals;  
5 or the breast area including the nipple or more than 1/2 of the  
6 area of the breast.

7 (b) "Topless activity" means activity that includes, but is  
8 not limited to, entertainment or work-related activity performed  
9 by any of the following persons on the licensed premises in which  
10 the female breast area, including the nipple, or more than 1/2 of  
11 the area of the breast, is directly exposed or exposed by means  
12 of see-through clothing or a body stocking:

13 (i) A licensee.

14 (ii) An employee, agent, or contractor of the licensee.

15 (iii) A person acting under the control of or with the per-  
16 mission of the licensee.