

SUBSTITUTE FOR
SENATE BILL NO. 302

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 REGULATE
2 ALCOHOLIC BEVERAGE TRAFFIC WITHIN ADULT-ORIENTED BUSINESSES THAT
3 ARE LICENSED TO SELL ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE
4 PREMISES TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE
5 CITIZENS OF THIS STATE AND TO ESTABLISH REASONABLE AND UNIFORM
6 REGULATIONS TO PREVENT THE DELETERIOUS SECONDARY EFFECTS OF ADULT-
7 ORIENTED BUSINESSES WITHIN THIS STATE. THIS SECTION IS NOT INTENDED
8 TO, NOR SHALL IT BE INTERPRETED TO, IMPOSE A LIMITATION OR
9 RESTRICTION ON THE CONTENT OF, OR REASONABLE ACCESS TO, ANY
10 COMMUNICATIVE MATERIALS INCLUDING ADULT-ORIENTED MATERIALS, TO

1 RESTRICT OR DENY ACCESS BY ADULTS TO ADULT-ORIENTED MATERIALS
2 PROTECTED BY AMENDMENT I OF THE CONSTITUTION OF THE UNITED STATES,
3 TO DENY ACCESS BY THE DISTRIBUTORS AND EXHIBITORS OF ADULT-ORIENTED
4 ENTERTAINMENT TO THEIR INTENDED MARKET, OR TO CONDONE OR LEGITIMIZE
5 THE DISTRIBUTION OF OBSCENE MATERIAL.

6 (2) THE LEGISLATURE FINDS THAT ADULT-ORIENTED BUSINESSES, AS A
7 CATEGORY OF COMMERCIAL ENTERPRISES, ARE ASSOCIATED WITH A WIDE
8 VARIETY OF ADVERSE SECONDARY EFFECTS INCLUDING, BUT NOT LIMITED TO,
9 PERSONAL AND PROPERTY CRIMES, PROSTITUTION, POTENTIAL SPREAD OF
10 DISEASE, LEWDNESS, PUBLIC INDECENCY, OBSCENITY, ILLICIT DRUG USE
11 AND DRUG TRAFFICKING, NEGATIVE IMPACTS ON SURROUNDING PROPERTIES,
12 URBAN BLIGHT, LITTER, AND SEXUAL ASSAULT AND EXPLOITATION. THE
13 LEGISLATURE FURTHER FINDS THAT EACH OF THE FOREGOING NEGATIVE
14 SECONDARY EFFECTS CONSTITUTES A HARM THAT THE STATE HAS A
15 SUBSTANTIAL INTEREST IN PREVENTING OR ABATING, OR BOTH. THE
16 SUBSTANTIAL GOVERNMENT INTEREST IN PREVENTING ADVERSE SECONDARY
17 EFFECTS IS THE RATIONALE FOR THIS SECTION AND EXISTS INDEPENDENT OF
18 ANY COMPARATIVE ANALYSIS BETWEEN ADULT-ORIENTED BUSINESSES AND NON-
19 ADULT-ORIENTED BUSINESSES. THE STATE'S INTEREST IN REGULATING
20 ADULT-ORIENTED BUSINESSES EXTENDS TO PREVENTING FUTURE SECONDARY
21 EFFECTS OF CURRENT OR FUTURE ADULT-ORIENTED BUSINESSES THAT MAY
22 LOCATE IN THIS STATE.

23 (3) AN ON-PREMISES LICENSEE SHALL NOT ALLOW IN OR ON THE
24 LICENSED PREMISES AN INDIVIDUAL WHO EXPOSES TO PUBLIC VIEW THE
25 PUBIC REGION, ANUS, OR GENITALS OR WHO DISPLAYS OTHER TYPES OF
26 NUDDITY PROHIBITED BY LAW OR LOCAL ORDINANCE. AN ON-PREMISES
27 LICENSEE SHALL NOT ALLOW IN OR ON THE LICENSED PREMISES THE SHOWING

1 OF FILMS, TELEVISION, SLIDES, OR OTHER ELECTRONIC REPRODUCTIONS
2 THAT DEPICT SCENES WHEREIN ANY INDIVIDUAL EXPOSES TO PUBLIC VIEW
3 THE PUBIC REGION, ANUS, OR GENITALS OR DISPLAYS OTHER TYPES OF
4 NUDITY PROHIBITED BY LAW OR LOCAL ORDINANCE. THIS PROHIBITION DOES
5 NOT APPLY TO A PUBLICLY BROADCAST TELEVISION TRANSMISSION FROM A
6 FEDERALLY LICENSED STATION.

7 (4) THIS SECTION DOES NOT APPLY TO AN EXHIBITION OR
8 PERFORMANCE IN A THEATER, CONCERT HALL, ART CENTER, MUSEUM, OR
9 SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR
10 THEATRICAL PERFORMANCES.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.