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BILL ANALYSIS



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Senate Bill 608 (as introduced 10-4-17)
Sponsor: Senator Rick Jones
Committee: Regulatory Reform

Date Completed: 12-5-17

CONTENT

The bill would amend the Michigan Liquor Control Code to do the following:

- Prohibit nudity in or on the premises of an on-premises liquor licensee.**
- Prohibit an on-premises licensee from allowing the showing of depicted scenes of nudity in or on the licensed premises.**
- Specify the purpose of the bill and include a statement of intent.**
- Include a statement of legislative findings regarding adverse secondary effects associated with adult-oriented businesses.**

The bill would not apply to an exhibition or performance in a theater, concert hall, art center, museum, or similar establishment that was primarily devoted to the arts or theatrical performances.

The bill would take effect 90 days after its enactment.

Nudity on Licensed Premises

The bill would prohibit an on-premises licensee from allowing in or on the licensed premises an individual who exposed to public view the pubic region, anus, or genitals or who displayed other types of nudity prohibited by law or local ordinance.

An on-premises licensee also could not allow in or on the licensed premises the showing of films, television, slides, or other electronic reproductions that depicted scenes in which any individual exposed to public view the pubic region, anus, or genitals or displayed other types of nudity prohibited by law or local ordinance. This prohibition would not apply to a publicly broadcast television transmission from a federally licensed station.

Purpose & Intent

The bill specifies that its purpose is "to regulate alcoholic beverage traffic within adult-oriented businesses that are licensed to sell alcoholic liquor for consumption on the premises to promote the health, safety, and general welfare of the citizens of this state and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult-oriented businesses within this state".

The bill further states that it "is not intended to, nor shall it be interpreted to, impose a limitation or restriction on the content of, or reasonable access to, any communicative materials including adult-oriented materials, to restrict or deny access by adults to adult-

oriented materials protected by the First Amendment to the Constitution of the United States, to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market, or to condone or legitimize the distribution of obscene material".

Legislature Findings

The bill includes the following legislative findings:

- "Adult-oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects, including...personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation."
- "Each of the negative secondary effects described [above] constitutes a harm that this state has a substantial interest in preventing, abating, or both."
- "The substantial government interest in preventing adverse secondary effects, which is this state's rationale for this [bill], exists independently of any comparative analysis between adult-oriented and non-adult-oriented businesses."
- "[T]his state's interest in regulating adult-oriented businesses extends to preventing future secondary effects of current or future adult-oriented businesses that may locate in this state."
- "The United States Supreme Court has recognized that precluding nudity in certain establishments that serve alcoholic beverages can reduce adverse secondary effects, see *New York State Liquor Authority v Bellance*, 454 US 714 (1981), *California v LaRue*, 409 US 109 (1972), and *44 Liquormart v Rhode Island*, 517 US 484 (1996), and the legislature adopts such findings."

Proposed MCL 436.1916a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.