

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

***** 436.1903a.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 10, 2013 *****

436.1903a.added Conviction or administrative disqualification of licensee; electronic transaction; sanctions; hearing and appeal procedures; definitions.

Sec. 903a. (1) A licensee is subject to the licensing sanctions in subsection (2) if the licensee is convicted or administratively disqualified as the result of an electronic transaction to which all of the following apply:

- (a) The transaction is a transaction for food assistance program benefits.
- (b) The transaction involves an item other than eligible food.
- (c) The transaction is related to the sale of alcoholic liquor under that licensee's liquor license.

(2) The commission or a commissioner or duly authorized agent of the commission designated by the chairperson of the commission shall, upon due notice and proper hearing, impose the following license sanctions upon a licensee described in subsection (1):

- (a) For a first violation, a license suspension for between 30 and 60 days.
- (b) For a second violation, a license suspension for between 61 and 120 days.
- (c) For a third or subsequent violation, revocation of the license.

(3) A licensee aggrieved by a sanction imposed under subsection (2) may invoke the hearing and appeal procedures of section 903(2) and rules promulgated under that section.

(4) As used in this section:

(a) "Administratively disqualified" means administratively disqualified from acting as a merchant under the food and nutrition act of 2008, 7 USC 2011 to 2036a, or 7 CFR 278.6 because the licensee has engaged in trafficking as that term is defined in 7 CFR 271.2. A licensee is not administratively disqualified until any administrative or judicial review under 7 CFR 279 is complete.

(b) "Convicted" means that the licensee either was convicted of or pled guilty to a crime under section 300a(1)(c) of the Michigan penal code, 1931 PA 328, MCL 750.300a.

(c) "Eligible food" means that term as defined in 7 CFR 271.2.

History: Add. 2013, Act 55, Eff. Sept. 10, 2013.