

# HOUSE BILL No. 5404

December 30, 2003, Introduced by Rep. Jammick and referred to the Committee on Regulatory Reform.

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  
2 monologues, dialogues, motion pictures, still slides, closed  
3 circuit television, contests, or other performances for public  
4 viewing on the licensed premises unless the licensee has applied  
5 for and been granted an entertainment permit by the commission.  
6 Issuance of an entertainment permit under this subsection does  
7 not allow topless activity on the licensed premises.

8       (2) An on-premises licensee shall not allow dancing by  
9 customers on the licensed premises unless the licensee has  
10 applied for and been granted a dance permit by the commission.  
11 Issuance of a dance permit under this subsection does not allow

1 topless activity on the licensed premises.

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

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

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

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

22 (a) The commission.

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

26 (c) The chief law enforcement officer of the jurisdiction  
27 within which the premises are located or the entity contractually

1 designated to enforce the law in that jurisdiction.

2 (7) The following activities are allowed without the granting  
3 of a permit under this section:

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

6 (b) Any publicly broadcast television transmission from a  
7 federally licensed station.

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

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

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

25 (11) As used in this section:

26 (a) "Nudity" means exposure to public view of the whole or  
27 part of the pubic region; the whole or part of the anus; the

1 whole or part of the buttocks; the whole or part of the genitals;  
2 or the breast area including the nipple or more than 1/2 of the  
3 area of the breast.

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

10 (i) A licensee.

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

12 (iii) A person acting under the control of or with the  
13 permission of the licensee.