

HOUSE BILL No. 5074

August 1, 2007, Introduced by Reps. Hammon, Young, Melton, Hammel, Johnson, Alma Smith, Clack, Valentine, Ball, Scott, Meadows, Constan, Bieda, Sheltroun, Byrum, LeBlanc, Ebli, Lemmons, Lindberg, Bauer, Simpson, Tobocman, Coulouris, Corriveau, Bennett, Polidori, Griffin, Espinoza, McDowell, Hood, Accavitti, Wojno, Donigan, Vagnozzi, Meisner and Gonzales and referred to the Committee on Education.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 12601 and 12611 (MCL 333.12601 and 333.12611),
section 12601 as amended by 1988 PA 315 and section 12611 as
amended by 1993 PA 217, and by adding section 12603a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12601. (1) As used in this part:

2 (a) "Child caring institution" and "child care center" mean
3 those terms as defined in section 1 of ~~Act No. 116 of the Public~~
4 ~~Acts of 1973, being section 722.111 of the Michigan Compiled Laws~~
5 1973 PA 116, MCL 722.111.

6 (b) "COLLEGE DORMITORY" MEANS A DORMITORY OPERATED BY A
7 DEGREE- OR CERTIFICATE-GRANTING PUBLIC OR INDEPENDENT NONPROFIT

1 UNIVERSITY, COLLEGE, COMMUNITY COLLEGE, OR JUNIOR COLLEGE.

2 (C) ~~(b)~~ "County medical care facility" means that term as
3 defined in section 20104.

4 (D) ~~(e)~~ "Educational facility" means a building owned, leased,
5 or under the control of a public or private school system, college,
6 or university.

7 (E) ~~(d)~~ "Food service establishment" means a food service
8 establishment as defined in section ~~12901-1107~~ **OF THE FOOD LAW OF**
9 **2000, 2000 PA 92, MCL 289.1107.**

10 (F) ~~(e)~~ "Health facility" means a health facility or agency
11 licensed under article 17, except a home for the aged, nursing
12 home, county medical care facility, hospice, or hospital long-term
13 care unit.

14 (G) ~~(f)~~ "Home for the aged" means that term as defined in
15 section 20106.

16 (H) ~~(g)~~ "Hospice" means that term as defined in section 20106.

17 (I) ~~(h)~~ "Hospital long-term care unit" means that term as
18 defined in section 20106.

19 (J) ~~(i)~~ "Licensed premises" means any portion of a building,
20 structure, room, or enclosure in which alcoholic liquor may be sold
21 for consumption on the premises pursuant to a license issued by the
22 Michigan liquor control commission.

23 (K) ~~(j)~~ "Meeting" means a meeting as defined in section 2 of
24 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
25 ~~being section 15.262 of the Michigan Compiled Laws~~ **1976 PA 267, MCL**
26 **15.262.**

27 (L) ~~(k)~~ "Nursing home" means that term as defined in section

1 20109.

2 (M) ~~(I)~~ "Public body" means a public body as defined in section
3 2 of the open meetings act, ~~Act No. 267 of the Public Acts of 1976~~
4 1976 PA 267, MCL 15.262.

5 (N) ~~(m)~~ "Public place", except as otherwise provided in
6 subsection (2), means ~~both~~ **ANY** of the following:

7 (i) An enclosed, indoor area owned or operated by a state or
8 local governmental agency and used by the general public or serving
9 as a place of work for public employees or a meeting place for a
10 public body, including an office, educational facility, home for
11 the aged, nursing home, county medical care facility, hospice,
12 hospital long-term care unit, auditorium, arena, meeting room, or
13 public conveyance.

14 (ii) An enclosed, indoor area ~~which~~ **THAT** is not owned or
15 operated by a state or local governmental agency, is used by the
16 general public, and is 1 of the following:

17 (A) An educational facility.

18 (B) A home for the aged, nursing home, county medical care
19 facility, hospice, or hospital long-term care unit.

20 (C) An auditorium.

21 (D) An arena.

22 (E) A theater.

23 (F) A museum.

24 (G) A concert hall.

25 (H) Any other facility during the period of its use for a
26 performance or exhibit of the arts.

27 (O) ~~(n)~~ "Smoking" or "smoke" means the carrying by a person of

1 a lighted cigar, cigarette, pipe, or other lighted smoking device.

2 (2) Public place does not include a private, enclosed room or
3 office occupied exclusively by a smoker, even if the room or
4 enclosed office may be visited by a nonsmoker.

5 (3) In addition, article 1 contains general definitions and
6 principles of construction applicable to all articles of this code.

7 **SEC. 12603A. AN INDIVIDUAL SHALL NOT SMOKE IN A COLLEGE**
8 **DORMITORY.**

9 Sec. 12611. ~~A person~~ **AN INDIVIDUAL** who violates section
10 12603(1), **12603A**, or 12604a or a person or state or local
11 governmental agency that owns or operates a public place and that
12 violates section 12605 or 12607 shall ~~be directed to~~ comply with
13 this part and is subject to a civil fine of not more than \$100.00
14 for a first violation and not more than \$500.00 for a second or
15 subsequent violation.