

HOUSE BILL NO. 4936

September 10, 2019, Introduced by Reps. Tyrone Carter, Manoogian, Kuppa, Brenda Carter, Coleman, Peterson, Garza, Pagan and Haadsma and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 12601 (MCL 333.12601), as amended by 2009 PA
188.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12601. (1) As used in this part:
2 (a) "Bathing beach" means a beach or bathing area that is
3 offered to the public for recreational bathing or swimming. Bathing
4 beach does not include a public swimming pool as defined in section
5 12521.



1 **(b)** ~~(a)~~—"Casino" means that term as defined in section 2 of
2 the Michigan gaming control and revenue act, 1996 IL 1, MCL
3 432.202. Casino does not include a casino operated under the Indian
4 gaming regulatory act, 25 USC 2701 to 2721.

5 **(c)** ~~(b)~~—"Child caring institution" and "child care center"
6 mean those terms as defined in section 1 of 1973 PA 116, MCL
7 722.111.

8 **(d)** ~~(e)~~—"Cigar" means any roll of tobacco weighing 3 or more
9 pounds per 1,000, which roll has a wrapper or cover consisting only
10 of tobacco.

11 **(e)** ~~(d)~~—"Cigar bar" means an establishment or area within an
12 establishment that is open to the public and is designated for the
13 smoking of cigars, purchased on the premises or elsewhere.

14 **(f)** ~~(e)~~—"County medical care facility" means that term as
15 defined in section 20104.

16 **(g)** ~~(f)~~—"Educational facility" means a building owned, leased,
17 or under the control of a public or private school system, college,
18 or university.

19 **(h)** ~~(g)~~—"Food service establishment" means ~~a food service~~
20 ~~establishment~~ **that term** as defined in section 12905.

21 **(i)** ~~(h)~~—"Health facility" means a health facility or agency
22 licensed under article 17, except a home for the aged, nursing
23 home, county medical care facility, hospice, or hospital long-term
24 care unit.

25 **(j)** ~~(i)~~—"Home for the aged" means that term as defined in
26 section 20106.

27 **(k)** ~~(j)~~—"Hospice" means that term as defined in section 20106.

28 **(l)** ~~(k)~~—"Hospital long-term care unit" means that term as
29 defined in section 20106.



1 **(m)** ~~(l)~~ "Meeting" means ~~a meeting~~ **that term** as defined in
2 section 2 of the open meetings act, 1976 PA 267, MCL 15.262.

3 **(n)** ~~(m)~~ "Motor vehicle" means that term as defined in section
4 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

5 **(o)** ~~(n)~~ "Nursing home" means that term as defined in section
6 20109.

7 **(p)** ~~(o)~~ "Place of employment" means an enclosed indoor area
8 that contains 1 or more work areas for 1 or more persons employed
9 by a public or private employer. Place of employment does not
10 include any of the following:

11 (i) A structure used primarily as the residence of the owner or
12 lessee that is also used as an office for the owner or lessee and
13 for no other employees.

14 (ii) A food service establishment that is subject to section
15 12905.

16 (iii) A motor vehicle.

17 **(q)** ~~(p)~~ "Public body" means a public body as defined in
18 section 2 of the open meetings act, 1976 PA 267, MCL 15.262.

19 **(r)** ~~(q)~~ "Public place" ~~, except as otherwise provided in~~
20 ~~subsection (2),~~ means any of the following:

21 (i) An enclosed, indoor area owned or operated by a state or
22 local governmental agency and used by the general public or serving
23 as a meeting place for a public body, including an office,
24 educational facility, home for the aged, nursing home, county
25 medical care facility, hospice, hospital long-term care unit,
26 auditorium, arena, meeting room, or public conveyance.

27 (ii) An enclosed, indoor area that is not owned or operated by
28 a state or local governmental agency, is used by the general
29 public, and is any of the following:



1 (A) An educational facility.

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

4 (C) An auditorium.

5 (D) An arena.

6 (E) A theater.

7 (F) A museum.

8 (G) A concert hall.

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

11 (iii) Unless otherwise exempt under this part, a place of
12 employment.

13 (iv) **A bathing beach or buoyed bathing or swimming area that is**
14 **open to the public.**

15 (s) ~~(r)~~—"Smoking" or "smoke" means the burning of a lighted
16 cigar, cigarette, pipe, or any other matter or substance that
17 contains a tobacco product.

18 (t) ~~(s)~~—"Smoking paraphernalia" means any equipment,
19 apparatus, or furnishing that is used in or necessary for the
20 activity of smoking.

21 (u) ~~(t)~~—"Tobacco product" means a product that contains
22 tobacco and is intended for human consumption, including, but not
23 limited to, ~~cigarettes,~~ **a cigarette**, noncigarette smoking tobacco,
24 or smokeless tobacco, as those terms are defined in section 2 of
25 the tobacco products tax act, 1993 PA 327, MCL 205.422, and
26 ~~eigars,~~ **a cigar**.

27 (v) ~~(u)~~—"Tobacco specialty retail store" means an
28 establishment in which the primary purpose is the retail sale of
29 tobacco products and smoking paraphernalia, and in which the sale



1 of other products is incidental. Tobacco specialty retail store
2 does not include a tobacco department or section of a larger
3 commercial establishment or any establishment with any type of
4 liquor, food, or restaurant license.

5 (w) ~~(v)~~ "Work area" means a site within a place of employment
6 at which 1 or more employees perform services for an employer.

7 (2) In addition, article 1 contains general definitions and
8 principles of construction applicable to all articles of this code.

