



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

SMOKING IN CHILD CARE CENTERS

House Bill 5154 as enrolled
Second Analysis (1-16-92)

Sponsor: Rep. Michael J. Bennane
House Committee: Public Health
Senate Committee: Health Policy

THE APPARENT PROBLEM:

Public Act 294 of 1988 added a new section to the Public Health Code to prohibit smoking in or on the grounds of child caring institutions (basically, institutions offering 24-hour child care) or child care centers (such as preschools and daycare centers). However, the act still allows child caring institutions and child care centers to provide smoking areas in private, enclosed offices physically separated from (and out of sight of) the common areas or general child care areas.

Some people believe that the restrictions on smoking in child care facilities should be strengthened.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to prohibit smoking in child care centers that were not located in public or private school buildings. It would continue to allow smoking in child caring institutions and in child care centers located in public or private school buildings provided that the institution or center provided a designated smoking area located in a private, enclosed room or office that was both physically and visually separate from the common areas and the child care areas.

MCL 333.12604

BACKGROUND INFORMATION:

Public Act 116 of 1973 defines "child caring institutions" and "child care centers." "Child caring institution" means a child care facility that is open year round and around the clock and which provides care for minor children. It includes maternity homes for the care of unmarried minors, agency group homes (which care for 5 to 12 children), and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, or homes for the aged licensed under the Public Health Code; boarding

schools; hospitals or facilities operated by the state or licensed under the Mental Health Code; or adult foster care family or small group homes. "Child care center" or "day care center" means a facility other than a private residence providing care for one or more children for less than 24 hours a day. It includes child care centers, day care centers, day nurseries, nursery schools, parent cooperative preschools, play groups, and drop-in centers. It does not include Sunday schools, vacation bible schools, or religious instruction classes in general or child care provided during religious services. Finally, neither child caring institution nor child care center includes foster family homes (including foster family group homes), family day care homes, or group day care homes (all of which are private homes).

FISCAL IMPLICATIONS:

Fiscal information is not available. (10-7-91)

ARGUMENTS:

For:

As the dangers of "environmental" or "second-hand" tobacco smoke become better understood, it is clear to more and more people that our most vulnerable citizens -- if not all citizens -- need to be protected from these hazards. Currently, the Public Health Code restricts smoking in child care centers to private, enclosed offices out of the sight of children. Nevertheless, the ventilation systems of most building typically do not adequately clear the air of smoke (and in fact may circulate the smoke throughout the building). The only way, in most instances, to protect children in these settings from second-hand smoke and its adverse effects is to require totally smoke-free buildings and grounds. The bill would do this, since virtually all but two or three child care institutions are sited in buildings other than public or private school buildings.

House Bill 5154 (1-16-92)

Against:

If children in most child care centers, which are not open around the clock, are to be protected from second-hand or "environmental" smoke and its attendant health risks, surely all children in child care institutions, which provide 24-hour care, and in private home day care and foster care private homes also should be accorded the same protection.

Response:

While it would be desirable to protect all children from the risks of second-hand smoke, it would be unrealistic to try to prohibit smoking in all child care settings, particularly in private home day care and in foster care private homes (not to mention such alternate sites as children's nature camps and child-placing agencies). The bill at least would give parents using child care centers for their children's care the assurance that their children would not be exposed, even indirectly, to the hazards of second-hand tobacco smoke.