

Act No. 178  
Public Acts of 1991  
Approved by the Governor  
December 23, 1991  
Filed with the Secretary of State  
December 23, 1991

**STATE OF MICHIGAN**  
**86TH LEGISLATURE**  
**REGULAR SESSION OF 1991**

Introduced by Reps. Bennane, Hertel, Leland, Gire, DeMars, Varga, Emerson, Gubow, Palamara,  
Stallworth, Hunter and Wozniak

# **ENROLLED HOUSE BILL No. 5154**

AN ACT to amend section 12604 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," as added by Act No. 294 of the Public Acts of 1988, being section 333.12604 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 12604 of Act No. 368 of the Public Acts of 1978, as added by Act No. 294 of the Public Acts of 1988, being section 333.12604 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 12604. Except as otherwise provided in subsection (2), an individual shall not smoke in a child caring institution or child care center or on the real property upon which the child caring institution or child care center is located, including other related buildings.

(2) In a child caring institution and a child care center located in a public or private school building, an individual may smoke in a designated smoking area if a designated smoking area is provided by the child caring institution or child care center and if the smoking area is located in a private, enclosed room or office that is both physically and visually separate from the common areas and general child care areas.

Section 2. This amendatory act shall take effect upon the expiration of 180 days after it is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.