

SENATE BILL No. 475

September 11, 1991, Introduced by Senator FAXON and referred to the Committee on Health Policy.

A bill to amend section 12613 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 315 of the Public Acts of 1988, being section 333.12613 of the Michigan Compiled Laws; and to add section 12604b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12613 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 315 of the Public Acts of 1988,
3 being section 333.12613 of the Michigan Compiled Laws, is amended
4 and section 12604b is added to read as follows:

5 SEC. 12604B. AN INDIVIDUAL SHALL NOT SMOKE IN A LAVATORY
6 AVAILABLE FOR USE BY THE GENERAL PUBLIC.

7 Sec. 12613. (1) Subject to subsection (2), the department
8 shall enforce this part and rules promulgated under this part

1 pursuant to sections 2262(2) and 2263. In addition to the civil
2 fine authorized under section 12611, the department may enforce
3 this part and the rules promulgated under this part through an
4 action commenced pursuant to section 2255 or any other appropri-
5 ate action authorized by law.

6 (2) Pursuant to section 2235, the department may authorize a
7 local health department to enforce this part and the rules
8 promulgated under this part. A local health department autho-
9 rized to enforce this part and the rules promulgated under this
10 part shall enforce this part and the rules promulgated under this
11 part pursuant to sections 2461(2) and 2462. In addition to the
12 civil fine authorized under section 12611, a local health depart-
13 ment may enforce this part and the rules promulgated under this
14 part through an action commenced pursuant to section 2465 or any
15 other appropriate action authorized by law.

16 (3) In addition to any other enforcement action authorized
17 by law, a person alleging a violation of this part may bring a
18 civil action for appropriate injunctive relief, if the person has
19 used the public place, child caring institution, child care
20 center, health facility, LAVATORY AVAILABLE FOR USE BY THE GEN-
21 ERAL PUBLIC, or private practice office of an individual who is
22 licensed under article 15 within 60 days after the civil action
23 is filed.

24 (4) The remedies under this part are independent and
25 cumulative. The use of 1 remedy by a person shall not bar the
26 use of other lawful remedies by that person or the use of a
27 lawful remedy by another person.