

Act No. 72  
Public Acts of 1993  
Approved by the Governor  
June 30, 1993  
Filed with the Secretary of State  
June 30, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Reps. Lowe, Middaugh, Gernaat, Horton, Alley, Goschka, Voorhees, Walberg, McManus, DeMars, Rhead and Kukuk**

**ENROLLED HOUSE BILL No. 4426**

AN ACT to amend Act No. 17 of the Public Acts of 1921, entitled as amended "An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred," as amended, being sections 299.1 to 299.10 of the Michigan Compiled Laws, by adding section 8b.

*The People of the State of Michigan enact:*

Section 1. Act No. 17 of the Public Acts of 1921, as amended, being sections 299.1 to 299.10 of the Michigan Compiled Laws, is amended by adding section 8b to read as follows:

Sec. 8b. The MacMullan conference center shall be available only to the following:

- (a) The department of natural resources.
- (b) Federal, state, and local government agencies.
- (c) Education institutions.
- (d) Nonprofit corporation or association organized pursuant to the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.
- (e) Community service clubs.
- (f) Handicapper groups.
- (g) Members of the legislature for purposes related to the business of the legislature.
- (h) Entities and organizations that wish to use the conference center to host an event that has a natural resources or environmental agenda.

for nonsmokers as nonsmoking, place the seats for nonsmokers in close proximity to each other, and locate the seats for nonsmokers so as not to discriminate against nonsmokers.

(3) A food service establishment shall not use the definition of seating capacity and the exemption from that definition set forth in subsection (9)(c) to increase the amount of seating for smokers above 75%.

(4) In addition to a food service establishment that provides its own seating, subsections (1), (2), and (3) also apply to a food service establishment or group of food service establishments that are located in a shopping mall where the seating for the food service establishment or group of food service establishments is provided or maintained, or both, by the person who owns or operates the shopping mall. As used in this subsection, "shopping mall" means a shopping center with stores facing an enclosed mall.

(5) The director, an authorized representative of the director, or a representative of a local health department to which the director has delegated responsibility for enforcement of this part shall, in accordance with R 325.25902 of the Michigan administrative code, inspect each food service establishment that is subject to this section. The inspecting entity shall determine compliance with this section during each inspection.

(6) The department or a local health department shall utilize compliance or noncompliance with this section or with rules promulgated to implement this section as criteria in the determination of whether to deny, suspend, limit, or revoke a license pursuant to section 12907(1).

(7) Within 5 days after receipt of a written complaint of violation of this section, a local health department shall investigate the complaint to determine compliance. If a violation of this section is identified and not corrected as ordered by the local health department within 2 days after receipt of the order by the food service establishment, the local health officer may issue an order to cease food service operations until compliance with this section is achieved.

(8) This section does not apply to a private facility that is serviced by a catering kitchen or to a separate room in a food service establishment that is used for private banquets. This section does not apply to a food service establishment that is owned and operated by a fraternal organization, if service is limited to members of the fraternal organization and their guests.

(9) As used in this section:

(a) "Bar" means that term as defined in section 2a of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2a of the Michigan Compiled Laws.

(b) "Room" means an area that is physically distinct from the main dining area of a food service establishment and from which smoke cannot pass into the main dining area.

(c) "Seating capacity" means the actual number of seats for patrons in a food service establishment. Seating capacity does not include seats located at a bar or seats at tables that are located adjacent to a bar, if meals are not served at those tables.

(d) "Smoking" means the carrying by an individual of a lighted cigar, cigarette, or other lighted smoking device.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.