

Act No. 217
Public Acts of 1993
Approved by the Governor
October 28, 1993
Filed with the Secretary of State
October 29, 1993

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

Introduced by Reps. Jamian, Bandstra, Whyman, Horton, London, Bodem, Gire, Dalman, Bender, Bobier, Fitzgerald, Brackenridge, Voorhees, Johnson, DeLange, Gernaat, Hill, Hammerstrom, Bullard, Kukuk, Vorva, Munsell, Gubow, Gustafson and Galloway

ENROLLED HOUSE BILL No. 4687

AN ACT to amend sections 12603, 12604, and 12611 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," section 12603 as amended by Act No. 296 of the Public Acts of 1988, section 12604 as amended by Act No. 178 of the Public Acts of 1991, and section 12611 as amended by Act No. 315 of the Public Acts of 1988, being sections 333.12603, 333.12604, and 333.12611 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 12603, 12604, and 12611 of Act No. 368 of the Public Acts of 1978, section 12603 as amended by Act No. 296 of the Public Acts of 1988, section 12604 as amended by Act No. 178 of the Public Acts of 1991, and section 12611 as amended by Act No. 315 of the Public Acts of 1988, being sections 333.12603, 333.12604, and 333.12611 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 12603. (1) Except as otherwise provided by law, an individual shall not smoke in a public place or at a meeting of a public body, except in a designated smoking area.

(2) This section does not apply to a room, hall, or building used for a private function if the seating arrangements are under the control of the sponsor of the function and not under the control of the state or local governmental agency or the person who owns or operates the room, hall, or building.

(3) This section does not apply to a food service establishment or to licensed premises.

(4) This section shall not apply to a private educational facility after regularly scheduled school hours.

Sec. 12604. (1) An individual shall not smoke in a child caring institution or child care center or on real property that is under the control of a child caring institution or a child care center and upon which the child caring institution or child care center is located, including other related buildings.

(2) An individual who violates this section is subject to all the penalties described in section 15 of Act No. 116 of the Public Acts of 1973, being section 722.125 of the Michigan Compiled Laws, except imprisonment.

Sec. 12611. A person who violates section 12603(1) or 12604a or a person or state or local governmental agency that owns or operates a public place and that violates section 12605 or 12607 shall be directed to comply with this part and is subject to a civil fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second or subsequent violation.

Section 2. This amendatory act shall not take effect unless House Bill No. 4688 of the 87th Legislature is enacted into law.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.