

Act No. 218
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. Horton, Jamian, Bandstra, London, Bodem, Bobier, Bender, Brackenridge, Rhead, Fitzgerald, Whyman, Dalman, Voorhees, Johnson, Gernaat, Hill, Hammerstrom, Bullard, Kukuk, Gire, Vorva, Munsell and Gubow

ENROLLED HOUSE BILL No. 4689

AN ACT to amend section 15 of Act No. 116 of the Public Acts of 1973, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to provide penalties; and to repeal certain acts and parts of acts," as amended by Act No. 232 of the Public Acts of 1980, being section 722.125 of the Michigan Compiled Laws; and to add section 3d.

The People of the State of Michigan enact:

Section 1. Section 15 of Act No. 116 of the Public Acts of 1973, as amended by Act No. 232 of the Public Acts of 1980, being section 722.125 of the Michigan Compiled Laws, is amended and section 3d is added to read as follows:

Sec. 3d. (1) An individual shall not smoke on the premises of a group day care home during the hours of operation of the group day care home. The operator of a group day care home shall conspicuously post on the premises a notice which specifies that smoking on the premises is prohibited during the hours of operation of the group day care home.

(2) A group day care home operator may permit smoking on the premises during a period other than the hours of operation of that group day care home if the operator has provided to a parent or legal guardian of each child participating in a group day care home activity notice that smoking on the premises occurs or may occur when the group day care home is not in operation.

(3) As used in this section:

(a) "Child" means an individual less than 18 years of age who is not related to an adult member of the group day care home operator's family.

(b) "Smoke" and "smoking" mean those terms as defined in section 12601 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12601 of the Michigan Compiled Laws.

Sec. 15. (1) A person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization who violates this act is guilty of a misdemeanor, punishable by the following:

(a) A fine of not less than \$100.00 or more than \$1,000.00 for a violation of section 3b, 3c, or 3d.

(b) For a violation not described in subdivision (a), a fine of not less than \$100.00 or more than \$1,000.00, or imprisonment for not more than 90 days, or both.

(2) If a person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization is convicted under this act, the conviction is sufficient ground for the revocation of its license or certificate of registration, and the person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization convicted shall not be granted a license or certificate of registration, or be permitted to be connected, directly or indirectly, with a licensee or a registrant for a period of not less than 2 years after the conviction.

(3) A person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization who has a license or certificate of registration revoked, application denied, or renewal refused, may be refused a license or certificate of registration, or be prohibited from being connected, directly or indirectly, with a licensee or a registrant for a period of not less than 2 years after the revocation, denial, or refusal to renew.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.