



HOUSE BILL No. 4687

May 4, 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 and referred to the Committee on Public Health.

A bill to amend sections 12604 and 12611 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

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 333.12604 and 333.12611 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12604 and 12611 of Act No. 368 of the
2 Public Acts of 1978, section 12604 as amended by Act No. 178 of
3 the Public Acts of 1991 and section 12611 as amended by Act
4 No. 315 of the Public Acts of 1988, being sections 333.12604 and
5 333.12611 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 12604. (1) ~~Except as otherwise provided in~~
2 ~~subsection (2), an~~ AN individual shall not smoke in a child
3 caring institution or child care center or on ~~the~~ real property
4 THAT IS UNDER THE CONTROL OF A CHILD CARING INSTITUTION OR A
5 CHILD CARE CENTER AND upon which the child caring institution or
6 child care center is located, including other related buildings.

7 (2) ~~In a child caring institution and a child care center~~
8 ~~located in a public or private school building, an individual may~~
9 ~~smoke in a designated smoking area if a designated smoking area~~
10 ~~is provided by the child caring institution or child care center~~
11 ~~and if the smoking area is located in a private, enclosed room or~~
12 ~~office that is both physically and visually separate from the~~
13 ~~common areas and general child care areas.~~ AN INDIVIDUAL WHO
14 VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES DESCRIBED IN
15 SECTION 15 OF ACT NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SEC-
16 TION 722.125 OF THE MICHIGAN COMPILED LAWS.

17 Sec. 12611. A person who violates section 12603(1) ~~or~~
18 ~~+2604,~~ or 12604a or a person or state or local governmental
19 agency ~~or~~ that owns or operates a public place and that violates
20 section 12605 or 12607 shall be directed to comply with this part
21 and ~~shall be~~ IS subject to a civil fine of not more than
22 \$100.00 for a first violation and not more than \$500.00 for a
23 second or subsequent violation.

24 Section 2. This amendatory act shall not take effect unless
25 Senate Bill No. _____ or House Bill No. 4688 (request
26 no. 03363'93^{*}) of the 87th Legislature is enacted into law.