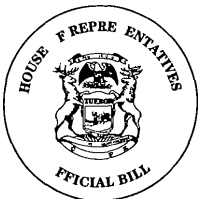


Passed the House

Co Clerk of the House of Representatives

Passed the Senate

Secretary of the Senate





HOUSE BILL No. 5909

November 10 1994 Introduced by Reps Horton Kukuk Jamian and McManus and referred to the Committee on Public Health

A bill to amend sections 12611 and 12613 of Act No 368 of the Public Acts of 1978, entitled as amended

Public health code,'

section 12611 as amended by Act No 217 of the Public Acts of 1993 and section 12613 as amended by Act No 315 of the Public Acts of 1988 being sections 333 12611 and 333 12613 of the Michigan Compiled Laws and to add section 12604c

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 12611 and 12613 of Act No 368 of the
2 Public Acts of 1978, section 12611 as amended by Act No 217 of
3 the Public Acts of 1993 and section 12613 as amended by Act
4 No 315 of the Public Acts of 1988, being sections 333 12611 and
5 333 12613 of the Michigan Compiled Laws, are amended and
6 section 12604c is added to read as follows

1 SEC 12604C (1) AN INDIVIDUAL SHALL NOT SMOKE IN A
2 JUVENILE FACILITY OR ON REAL PROPERTY THAT IS UNDER THE CONTROL
3 OF THE GOVERNMENTAL AGENCY THAT OWNS OR OPERATES THE JUVENILE
4 FACILITY

5 (2) AS USED IN THIS SECTION, JUVENILE FACILITY MEANS THAT
6 TERM AS DEFINED IN SECTION 2 OF THE JUVENILE FACILITIES ACT ACT
7 NO 73 OF THE PUBLIC ACTS OF 1988, BEING SECTION 803 222 OF THE
8 MICHIGAN COMPILED LAWS

9 Sec 12611 A person who violates section 12603(1) ~~or~~
10 12604a, OR 12604C or a person or state or local governmental
11 agency that owns or operates a public place and that violates
12 section 12605 or 12607 ~~shall be directed to comply with this~~
13 ~~part and~~ is subject to a civil fine of not more than \$100 00 for
14 a first violation and not more than \$500 00 for a second or sub-
15 sequent violation

16 Sec 12613 (1) Subject to subsection (2), the department
17 shall enforce this part and rules promulgated under this part
18 pursuant to sections 2262(2) and 2263 In addition to the civil
19 fine authorized under section 12611 the department may enforce
20 this part and the rules promulgated under this part through an
21 action commenced pursuant to section 2255 or any other appropri-
22 ate action authorized by law

23 (2) Pursuant to section 2235 the department may authorize a
24 local health department to enforce this part and the rules
25 promulgated under this part A local health department autho-
26 rized to enforce this part and the rules promulgated under this
27 part shall enforce this part and the rules promulgated under this

1 part pursuant to sections 2461(2) and 2462 In addition to the
2 civil fine authorized under section 12611, a local health depart-
3 ment may enforce this part and the rules promulgated under this
4 part through an action commenced pursuant to section 2465 or any
5 other appropriate action authorized by law

6 (3) In addition to any other enforcement action authorized
7 by law a person alleging a violation of this part may bring a
8 civil action for appropriate injunctive relief, if the person has
9 used ~~the~~ A public place ~~, child caring institution, child care~~
10 ~~center, health facility, or private practice office of an indi-~~
11 ~~vidual who is licensed under article 15~~ OR A FACILITY OR OFFICE
12 DESCRIBED IN SECTION 12604, 12604A, OR 12604C within 60 days
13 ~~after~~ BEFORE the civil action is filed

14 (4) The remedies under this part are independent and
15 cumulative The use of 1 remedy by a person ~~shall~~ DOES not bar
16 the use of other lawful remedies by that person or the use of a
17 lawful remedy by another person