

HOUSE BILL No. 6069

May 24, 2018, Introduced by Rep. Lucido and referred to the Committee on Natural Resources.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 12601 (MCL 333.12601), as amended by 2009 PA
188.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12601. (1) As used in this part:

2 (a) "Casino" means that term as defined in section 2 of the
3 Michigan gaming control and revenue act, 1996 IL 1, MCL 432.202.
4 Casino does not include a casino operated under the Indian gaming
5 regulatory act, 25 USC 2701 to 2721.

6 (b) "Child caring institution" and "child care center" mean
7 those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

8 (c) "Cigar" means any roll of tobacco weighing 3 or more

1 pounds per 1,000, which roll has a wrapper or cover consisting only
2 of tobacco.

3 (d) "Cigar bar" means an establishment or area within an
4 establishment that is open to the public and is designated for the
5 smoking of cigars, purchased on the premises or elsewhere.

6 (e) "County medical care facility" means that term as defined
7 in section 20104.

8 (f) "Educational facility" means a building owned, leased, or
9 under the control of a public or private school system, college, or
10 university.

11 (g) "Food service establishment" means a food service
12 establishment as defined in section 12905.

13 (h) "Health facility" means a health facility or agency
14 licensed under article 17, except a home for the aged, nursing
15 home, county medical care facility, hospice, or hospital long-term
16 care unit.

17 (i) "Home for the aged" means that term as defined in section
18 20106.

19 (j) "Hospice" means that term as defined in section 20106.

20 (k) "Hospital long-term care unit" means that term as defined
21 in section 20106.

22 (l) "Meeting" means a meeting as defined in section 2 of the
23 open meetings act, 1976 PA 267, MCL 15.262.

24 (m) "Motor vehicle" means that term as defined in section 33
25 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

26 (n) "Nursing home" means that term as defined in section
27 20109.

1 (o) "Place of employment" means an enclosed indoor area that
2 contains 1 or more work areas for 1 or more persons employed by a
3 public or private employer. Place of employment does not include
4 any of the following:

5 (i) A structure used primarily as the residence of the owner
6 or lessee that is also used as an office for the owner or lessee
7 and for no other employees.

8 (ii) A food service establishment that is subject to section
9 12905.

10 (iii) A motor vehicle.

11 (p) "Public body" means a public body as defined in section 2
12 of the open meetings act, 1976 PA 267, MCL 15.262.

13 (q) "Public place" ~~, except as otherwise provided in~~
14 ~~subsection (2),~~ means any of the following:

15 (i) An enclosed, indoor area owned or operated by a state or
16 local governmental agency and used by the general public or serving
17 as a meeting place for a public body, including an office,
18 educational facility, home for the aged, nursing home, county
19 medical care facility, hospice, hospital long-term care unit,
20 auditorium, arena, meeting room, or public conveyance.

21 (ii) An enclosed, indoor area that is not owned or operated by
22 a state or local governmental agency, is used by the general
23 public, and is any of the following:

24 (A) An educational facility.

25 (B) A home for the aged, nursing home, county medical care
26 facility, hospice, or hospital long-term care unit.

27 (C) An auditorium.

1 (D) An arena.

2 (E) A theater.

3 (F) A museum.

4 (G) A concert hall.

5 (H) Any other facility during the period of its use for a
6 performance or exhibit of the arts.

7 **(iii) A STATE PARK.**

8 **(iv) A BATHING BEACH OR BUOYED BATHING OR SWIMMING AREA, THAT**
9 **IS OWNED, OPERATED, OR MAINTAINED FOR PUBLIC USE BY THIS STATE.**
10 **(v) A PLAYGROUND AREA THAT IS OWNED, OPERATED, OR MAINTAINED**
11 **FOR PUBLIC USE BY THIS STATE.**

12 **(vi) ~~(iii)~~**—Unless otherwise exempt under this part, a place of
13 employment.

14 (r) "Smoking" or "smoke" means the burning of a lighted cigar,
15 cigarette, pipe, or any other matter or substance that contains a
16 tobacco product **OR THE USE OF A VAPOR PRODUCT.**

17 (s) "Smoking paraphernalia" means any equipment, apparatus, or
18 furnishing that is used in or necessary for the activity of
19 smoking.

20 **(T) "STATE PARK" MEANS THAT TERM AS DEFINED IN SECTION 74301**
21 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**
22 **451, MCL 324.74301.**

23 **(U) ~~(t)~~**—"Tobacco product" means a product that contains
24 tobacco and is intended for human consumption, including, but not
25 limited to, cigarettes, noncigarette smoking tobacco, or smokeless
26 tobacco, as those terms are defined in section 2 of the tobacco
27 products tax act, 1993 PA 327, MCL 205.422, and cigars. **TOBACCO**

1 **PRODUCT DOES NOT INCLUDE A VAPOR PRODUCT.**

2 **(V)** ~~(u)~~ "Tobacco specialty retail store" means an
3 establishment in which the primary purpose is the retail sale of
4 tobacco products and smoking paraphernalia, and in which the sale
5 of other products is incidental. Tobacco specialty retail store
6 does not include a tobacco department or section of a larger
7 commercial establishment or any establishment with any type of
8 liquor, food, or restaurant license.

9 **(W) "VAPOR PRODUCT" MEANS A NONCOMBUSTIBLE PRODUCT CONTAINING**
10 **NICOTINE THAT EMPLOYS A HEATING ELEMENT, POWER SOURCE, ELECTRONIC**
11 **CIRCUIT, OR OTHER ELECTRONIC, CHEMICAL, OR MECHANICAL MEANS,**
12 **REGARDLESS OF SHAPE OR SIZE, THAT CAN BE USED TO PRODUCE VAPOR FROM**
13 **NICOTINE IN A SOLUTION OR OTHER FORM. VAPOR PRODUCT INCLUDES AN**
14 **ELECTRONIC CIGARETTE, ELECTRONIC CIGAR, ELECTRONIC CIGARILLO,**
15 **ELECTRONIC PIPE, OR SIMILAR PRODUCT OR DEVICE AND A VAPOR CARTRIDGE**
16 **OR OTHER CONTAINER OF NICOTINE IN A SOLUTION OR OTHER FORM THAT IS**
17 **INTENDED TO BE USED WITH OR IN AN ELECTRONIC CIGARETTE, ELECTRONIC**
18 **CIGAR, ELECTRONIC CIGARILLO, ELECTRONIC PIPE, OR SIMILAR PRODUCT OR**
19 **DEVICE. VAPOR PRODUCT DOES NOT INCLUDE A PRODUCT REGULATED AS A**
20 **DRUG OR DEVICE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION**
21 **UNDER SUBCHAPTER V OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21**
22 **USC 351 TO 360FFF-7.**

23 **(X)** ~~(v)~~ "Work area" means a site within a place of employment
24 at which 1 or more employees perform services for an employer.

25 (2) In addition, article 1 contains general definitions and
26 principles of construction applicable to all articles of this code.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.