

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

\*\*\*\*\* 333.12605 THIS SECTION IS REPEALED BY ACT 188 OF 2009 EFFECTIVE MAY 1, 2010 \*\*\*\*\*

**333.12605 Designation of smoking area; minimizing toxic effect of smoke; public place consisting of single room; written policy for separation of smokers and nonsmokers.**

Sec. 12605. (1) A smoking area may be designated by the state or local governmental agency or the person who owns or operates a public place, except in a public place in which smoking is prohibited by law. If a smoking area is designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in both smoking and adjacent nonsmoking areas.

(2) In the case of a public place consisting of a single room, the state or local governmental agency or the person who owns or operates the single room shall be in compliance with this part if 1/2 of the room is reserved and posted as a no smoking area.

(3) If smoking is permitted in a public place, the state or local governmental agency or the person who owns or operates the public place shall develop a written policy for the separation of smokers and nonsmokers which provides, at a minimum, for all of the following:

- (a) Nonsmokers to be located closest to the source of fresh air.
- (b) Special consideration to be given to individuals with a hypersensitivity to tobacco smoke.
- (c) A procedure to receive, investigate, and take action on complaints.

**History:** Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 296, Eff. Mar. 30, 1989.

**Popular name:** Act 368