

# HOUSE BILL NO. 5370

January 21, 2020, Introduced by Reps. Hammoud, Camilleri, Hood, Sabo and Brixie and referred to the Committee on Regulatory Reform.

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.



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

3 (c) "Cigar" means any roll of tobacco weighing 3 or more  
4 pounds per 1,000, which roll has a wrapper or cover consisting only  
5 of tobacco.

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

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

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

14 (g) "Food service establishment" means ~~a food service~~  
15 ~~establishment~~ **that term** as defined in section 12905.

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

20 (i) "Home for the aged" means that term as defined in section  
21 20106.

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

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

25 (l) "Meeting" means ~~a meeting~~ **that term** as defined in section 2  
26 of the open meetings act, 1976 PA 267, MCL 15.262.

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

29 (n) "Nursing home" means that term as defined in section



1 20109.

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

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

9 (ii) A food service establishment that is subject to section  
10 12905.

11 (iii) A motor vehicle.

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

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

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

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

25 (A) An educational facility.

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

28 (C) An auditorium.

29 (D) An arena.



1 (E) A theater.

2 (F) A museum.

3 (G) A concert hall.

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

6 (iii) Unless otherwise exempt under this part, a place of  
7 employment.

8 (iv) **A senior living facility.**

9 (r) **"Senior living facility" means a multiunit residential**  
10 **building for individuals 62 years of age or older that is**  
11 **subsidized in whole or in part under a local, state, or federal**  
12 **program. Senior living facility does not include a home for the**  
13 **aged, nursing home, county medical care facility, hospice, or**  
14 **hospital long-term care unit.**

15 (s) ~~(r)~~—"Smoking" or "smoke" means the burning of a lighted  
16 cigar, cigarette, pipe, or any other matter or substance that  
17 contains a tobacco product.

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

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

27 (v) ~~(u)~~—"Tobacco specialty retail store" means an  
28 establishment in which the primary purpose is the retail sale of  
29 tobacco products and smoking paraphernalia, and in which the sale



1 of other products is incidental. Tobacco specialty retail store  
2 does not include a tobacco department or section of a larger  
3 commercial establishment or any establishment with any type of  
4 liquor, food, or restaurant license.

5 (w) ~~(v)~~ "Work area" means a site within a place of employment  
6 at which 1 or more employees perform services for an employer.

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

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.

