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Senate Bill 466 (as introduced 9-6-23)  
Sponsor: Senator Kristen McDonald Rivet  
Committee: Regulatory Affairs

*(Senate-passed version)*

Date Completed: 9-13-23

## **CONTENT**

**The bill would amend Part 126 (Smoking in Public Places) of the Public Health Code to allow a cigar bar that met certain conditions and whose smoking ban exemption had lapsed to requalify for the exemption if the owner or operator of the bar filed an affidavit certifying those conditions.**

Generally, Part 126 prohibits smoking in public places, in places of employment, and in food service establishments. This prohibition took effect on May 1, 2010; however, cigar bars that were in existence on May 1, 2010, were grandfathered in and exempt from the prohibition so long as the owner of the cigar bar filed an affidavit with the Department of Health and Human Services (DHHS) before May 1, 2010, and refiles an affidavit annually on January 31.

Under the bill, for one calendar year only, a cigar bar would qualify for the smoking ban exemption if an affidavit, signed by the person that owned or operated the bar, were filed with the DHHS and certified that all the following circumstances applied to the cigar bar:

- The cigar bar was in a city with a population of more than 32,000 and less than 34,000 that was located in a county with a population of more than 100,000 and less than 105,00.
- The cigar bar failed to file the required affidavit no earlier than 2023, for no less than one calendar year and no more than three calendar years.
- The cigar bar had not previously filed an affidavit under these requirements.

If a cigar bar qualified for the exemption as provided by the bill, the cigar bar's annual affidavit filing requirements would not include the range of one to three years that it failed to file.

Among other requirements to maintain the grandfathered exemption, Part 126 requires a cigar bar to generate at least 10.0% of its gross annual income from the on-site sale of cigars and rental of on-site humidors, as reported in the annual affidavit. This requirement would not apply to a cigar bar that otherwise qualified for the exemption as provided by the bill.

MCL 333.12606a

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.