

# Legislative Analysis



## CIGAR BAR PUBLIC SMOKING EXEMPTION

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<http://www.house.mi.gov/hfa>

**Senate Bill 466 as passed by the Senate**  
**Sponsor: Sen. Kristen McDonald Rivet**  
**House Committee: Regulatory Reform**  
**Senate Committee: Regulatory Affairs**  
**Complete to 11-9-23**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 318 of 2023)*

### SUMMARY:

Senate Bill 466 would amend the Public Health Code to modify the exemption of cigar bars from the ban on smoking in a public place.

Currently, cigar bars that were operating before May 1, 2010 (i.e., the date the ban took effect) are grandfathered in and are exempt from the prohibition as long as the owner of the establishment refiles an affidavit with the Department of Health and Human Services (DHHS) annually on January 31.

Under the bill, for one calendar year only, a cigar bar would also be exempted from the ban on smoking in a public place if an affidavit signed by the owner is filed with DHHS certifying that all of the following apply:

- The cigar bar is located in a city with a population of more than 32,000 and less than 34,000 that is located in a county with a population of more than 100,000 and less than 105,000.
- In 2023 or later, the cigar bar failed to file the January 31 affidavit with DHHS for at least one calendar year but not more than three calendar years.
- The cigar bar has not previously filed an affidavit under these new provisions.

If a cigar bar qualifies for the new exemption under the bill, the affidavit-filing requirement under current law would not apply during the calendar year or years the cigar bar is exempt under the bill's provisions. [Although the bill states that a cigar bar qualifies for the exemption under these provisions "for one calendar year only," it goes on to exempt the cigar bar, once it has so qualified, from the January 31 affidavit requirement for up to the three years described in the second bulleted provision.]

MCL 333.12606a

### BACKGROUND:

According to Senate committee testimony, the bill is intended to allow a cigar bar in Bay City that failed to renew its exemption while in the process of being sold to reapply for the cigar bar exemption.<sup>1</sup>

<sup>1</sup> <https://cloud.castus.tv/vod/misenate/video/65030717a720bc000877283b?page=HOME>

**FISCAL IMPACT:**

Senate Bill 466 would not have a significant fiscal impact on state expenditures to the Department of Health and Human Services or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.