

HOUSE BILL NO. 5554

March 12, 2024, Introduced by Reps. Harris, Slagh, Scott, Wilson, Dievendorf, Edwards, Bezotte, Farhat, Beeler and Filler 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,~~ **Gaming Control and Revenue**
4 **Act**, 1996 IL 1, MCL 432.202. Casino does not include a casino
5 operated under the Indian gaming regulatory act, 25 USC 2701 to

1 2721.

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

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

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

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

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

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

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

21 (i) "Home for the aged" means that term as defined in section
22 20106.

23 (j) **"Hookah lounge" means an establishment or area within an**
24 **establishment that is open to the public and is designated for the**
25 **smoking of hookah tobacco, purchased on the premises or elsewhere.**

26 (k) **"Hookah tobacco" means that term as defined in section 2**
27 **of the tobacco products tax act, 1993 PA 327, MCL 205.422.**

28 (l) ~~(j)~~ "Hospice" means that term as defined in section 20106.

29 (m) ~~(k)~~ "Hospital long-term care unit" means that term as

1 defined in section 20106.

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

4 (o) ~~(m)~~—"Motor vehicle" means that term as defined in section
5 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

6 (p) ~~(n)~~—"Nursing home" means that term as defined in section
7 20109.

8 (q) **"Physically separated" means an area that is enclosed on**
9 **all sides by any combination of solid walls, windows, or doors that**
10 **extend from the floor to the ceiling.**

11 (r) ~~(o)~~—"Place of employment" means an enclosed indoor area
12 that contains 1 or more work areas for 1 or more persons employed
13 by a public or private employer. Place of employment does not
14 include any of the following:

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

18 (ii) A food service establishment that is subject to section
19 12905.

20 (iii) A motor vehicle.

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

23 (t) ~~(q)~~—"Public place" ~~, except as otherwise provided in~~
24 ~~subsection (2),~~ means any of the following:

25 (i) An enclosed, indoor area owned or operated by a state or
26 local governmental agency and used by the general public or serving
27 as a meeting place for a public body, including an office,
28 educational facility, home for the aged, nursing home, county
29 medical care facility, hospice, hospital long-term care unit,

1 auditorium, arena, meeting room, or public conveyance.

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

5 (A) An educational facility.

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

8 (C) An auditorium.

9 (D) An arena.

10 (E) A theater.

11 (F) A museum.

12 (G) A concert hall.

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

15 (iii) Unless otherwise exempt under this part, a place of
16 employment.

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

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

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

29 (x) ~~(u)~~—"Tobacco specialty retail store" means an

1 establishment in which the primary purpose is the retail sale of
2 tobacco products and smoking paraphernalia, and in which the sale
3 of other products is incidental. Tobacco specialty retail store
4 does not include a tobacco department or section of a larger
5 commercial establishment or any establishment with any type of
6 liquor, food, or restaurant license.

7 **(y)** ~~(v)~~—"Work area" means a site within a place of employment
8 at which 1 or more employees perform services for an employer.

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

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 5555 (request no.
13 03882'23 *) of the 102nd Legislature is enacted into law.