

SENATE BILL No. 481

May 8, 2007, Introduced by Senators McMANUS, GEORGE, JACOBS, BRATER, GARCIA, BIRKHOLZ and GLEASON and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12601. (1) As used in this part:

2 (A) "BATHING BEACH" MEANS A BEACH OR BATHING AREA OFFERED TO
 3 THE PUBLIC FOR RECREATIONAL BATHING OR SWIMMING. IT DOES NOT
 4 INCLUDE A PUBLIC SWIMMING POOL AS DEFINED IN SECTION 12521.

5 (B) ~~(a)~~-"Child caring institution" and "child care center"
 6 mean those terms as defined in section 1 of ~~Act No. 116 of the~~
 7 ~~Public Acts of 1973, being section 722.111 of the Michigan Compiled~~
 8 ~~Laws 1973 PA 116, MCL 722.111.~~

9 (C) ~~(b)~~-"County medical care facility" means that term as

1 defined in section 20104.

2 (D) ~~(e)~~-"Educational facility" means a building owned, leased,
3 or under the control of a public or private school system, college,
4 or university.

5 (E) ~~(d)~~-"Food service establishment" means ~~a food service~~
6 ~~establishment~~ **THAT TERM** as defined in section ~~12901-1107 OF THE~~
7 **FOOD LAW OF 2000, 2000 PA 92, MCL 289.1107.**

8 (F) ~~(e)~~-"Health facility" means a health facility or agency
9 licensed under article 17, except a home for the aged, nursing
10 home, county medical care facility, hospice, or hospital long-term
11 care unit.

12 (G) ~~(f)~~-"Home for the aged" means that term as defined in
13 section 20106.

14 (H) ~~(g)~~-"Hospice" means that term as defined in section 20106.

15 (I) ~~(h)~~-"Hospital long-term care unit" means that term as
16 defined in section 20106.

17 (J) ~~(i)~~-"Licensed premises" means any portion of a building,
18 structure, room, or enclosure in which alcoholic liquor may be sold
19 for consumption on the premises pursuant to a license issued by the
20 ~~Michigan~~ liquor control commission.

21 (K) ~~(j)~~-"Meeting" means a meeting as defined in section 2 of
22 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
23 ~~being section 15.262 of the Michigan Compiled Laws~~ **1976 PA 267, MCL**
24 **15.262.**

25 (L) ~~(k)~~-"Nursing home" means that term as defined in section
26 20109.

27 (M) ~~(l)~~-"Public body" means a public body as defined in section

1 2 of the open meetings act, ~~Act No. 267 of the Public Acts of 1976~~
2 1976 PA 267, MCL 15.262.

3 (N) ~~(m)~~—"Public place", except as otherwise provided in
4 subsection (2), means ~~both~~ **1 OR MORE** of the following:

5 (i) An enclosed ~~,~~ indoor area owned or operated by a state or
6 local governmental agency and used by the general public or serving
7 as a place of work for public employees or a meeting place for a
8 public body, including an office, educational facility, home for
9 the aged, nursing home, county medical care facility, hospice,
10 hospital long-term care unit, auditorium, arena, meeting room, or
11 public conveyance.

12 (ii) An enclosed ~~,~~ indoor area ~~which~~ **THAT** is not owned or
13 operated by a state or local governmental agency, is used by the
14 general public, and is 1 of the following:

15 (A) An educational facility.

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

18 (C) An auditorium.

19 (D) An arena.

20 (E) A theater.

21 (F) A museum.

22 (G) A concert hall.

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

25 **(iii) A BATHING BEACH OR BUOYED BATHING OR SWIMMING AREA OPEN TO**
26 **THE PUBLIC.**

27 (O) ~~(n)~~—"Smoking" or "smoke" means the carrying by a person of

1 a lighted cigar, cigarette, pipe, or other lighted smoking device.

2 (2) Public place does not include a private ~~—~~enclosed room or
3 office occupied exclusively by a smoker, even if the room or
4 enclosed office may be visited by a nonsmoker.

5 (3) In addition, article 1 contains general definitions and
6 principles of construction applicable to all articles of this code.