

## **BAN SMOKING IN RESTAURANTS**

**House Bill 4163**

**Sponsor: Rep. Jack Minore**

**Committee: Regulatory Reform**

**Complete to 4-1-03**

### **A SUMMARY OF HOUSE BILL 4163 AS INTRODUCED 2-5-03**

The bill would amend the Public Health Code to prohibit smoking in public restaurants, bars, nightclubs, and coffee shops, as well as other establishments that serve food to the public. Currently, the code prohibits smoking in the public areas of food service establishments. "Public area" includes, but is not limited to, a bathroom, a coatroom, and an entrance or other area used by a patron when not seated at a food service table or counter. A public area does not include the lobby, waiting room, hallways, and lounge areas of an establishment. The bill would eliminate this definition, and would instead define a "public area" as including, but not limited to, all areas of a food service establishment that were open to the public. "Food service establishment" would mean that term as defined in Section 1107 of the Food Law of 2000, MCL 289.1107.

Under the current health code provisions, the ban on smoking in public areas of a restaurant does not apply to a food service establishment owned and operated by a fraternal organization if the service is limited to members of the organization and their guests, a private facility serviced by a catering kitchen, and to a separate room in a food service establishment used for private banquets. The bill would retain these exclusions to the smoking ban and would expand the exclusion to include a food service establishment owned and operated by a private club serving only club members and their guests.

The bill would also make several technical amendments to this section of the code necessitated by the other changes. For instance, provisions pertaining to the percentage of seating capacity that could be designated for smokers would be deleted, as would the definitions for "bar" and "seating capacity". The current definition for "room" would instead apply to a "separate room".

(The Food Law of 2000 defines "food service establishment" as a fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. However, the term does not apply to a motel serving only a continental breakfast, a food concession, bed and breakfast establishments meeting specified criteria, or a child care organization regulated under Public Act 116 of 1973.)

MCL 333.12905

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