

SENATE BILL No. 1210

March 13, 2008, Introduced by Senators THOMAS, CLARK-COLEMAN, CHERRY, GLEASON and HUNTER and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 12608a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 12608A. (1) ON AND AFTER THE EXPIRATION OF 90 DAYS AFTER
2 THE EFFECTIVE DATE OF THIS SECTION, A PERSON WHO POSSESSES HOOKAH
3 TOBACCO FOR RETAIL SALE OR THE OWNER, OPERATOR, MANAGER, OR PERSON
4 HAVING CONTROL OF A FOOD SERVICE ESTABLISHMENT OR BAR THAT OFFERS
5 ITS PATRONS THE OPPORTUNITY TO PURCHASE HOOKAH TOBACCO AND SMOKE
6 THAT TOBACCO IN A HOOKAH ON ITS PREMISES SHALL CLEARLY AND
7 CONSPICUOUSLY POST SIGNS IN ENGLISH, ARABIC, AND SPANISH THAT WARN
8 OF THE EFFECTS HOOKAH TOBACCO USE HAS ON AN INDIVIDUAL'S HEALTH.
9 BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE DATE OF THIS

SECTION, THE DEPARTMENT SHALL DEVELOP THE FORM AND CONTENT OF THE SIGNS REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL PUBLISH THE SIGNS REQUIRED UNDER THIS SECTION ON ITS WEBSITE AND PROVIDE COPIES UPON REQUEST. THE DEPARTMENT MAY CHARGE A REASONABLE, COST-BASED FEE FOR PROVIDING COPIES OF THE SIGNS UNDER THIS SUBSECTION.

(2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AS PROVIDED UNDER CHAPTER 88 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8801 TO 600.8835, AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00 FOR EACH VIOLATION.

(3) AS USED IN THIS SECTION:

(A) "BAR" MEANS AN ESTABLISHMENT THAT OPERATES UNDER AN ON-PREMISES LICENSE ISSUED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

(B) "FOOD SERVICE ESTABLISHMENT" MEANS A FOOD SERVICE ESTABLISHMENT THAT IS SUBJECT TO SECTION 12905.

(C) "HOOKAH" MEANS A TOBACCO PIPE IN WHICH THE SMOKE IS DRAWN THROUGH WATER BEFORE REACHING THE LIPS AND INCLUDES A NARGHILE OR OTHER SIMILAR INSTRUMENT.

(D) "HOOKAH TOBACCO" MEANS A NONCIGARETTE SMOKING TOBACCO THAT IS SMOKED USING A HOOKAH, WHICH TOBACCO MAY BE FLAVORED OR SWEETENED.

(E) "NONCIGARETTE SMOKING TOBACCO" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE TOBACCO PRODUCTS TAX ACT, 1993 PA 327, MCL 205.422.