

# 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

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

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

11 (3) AS USED IN THIS SECTION:

12 (A) "BAR" MEANS AN ESTABLISHMENT THAT OPERATES UNDER AN ON-  
13 PREMISES LICENSE ISSUED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF  
14 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

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

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

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

23 (E) "NONCIGARETTE SMOKING TOBACCO" MEANS THAT TERM AS DEFINED  
24 IN SECTION 2 OF THE TOBACCO PRODUCTS TAX ACT, 1993 PA 327, MCL  
25 205.422.