

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 805
Sponsor: Senator Jack Faxon
Committee: Health Policy

MICHIGAN STATE LAW LIBRARY

Date Completed: 11-9-90

SUMMARY OF SENATE BILL 805 as introduced 2-14-90:

The bill would amend the Public Health Code to:

- Require a food service establishment, regardless of its seating capacity, to post a sign indicating the availability of a nonsmoking area.
- Require an establishment with table and/or counter seating to provide 40% of its seating capacity for nonsmokers.
- Require an establishment with counter seating only to provide at least 50% of its seating capacity for nonsmokers.
- Require, by January 1, 1991, a food service establishment to file with a local health department a floor plan delineating smoking and nonsmoking areas of the establishment, and to notify the health department of any changes in the floor plan.
- Require a food service establishment located in a shopping mall to file with a local health department a general description of seating arrangements.
- Delete current requirements that food service establishments of certain sizes must follow in reserving tables for nonsmokers.

S.B. 805 (11-9-90)

Food Service Establishments

The bill would require all food service establishments to post at the entrance to the dining area a sign indicating the availability of a nonsmoking area. Currently, a food service establishment that can seat 50 or more persons is required to post such a sign.

A food service establishment that had table seating only or a combination of table and counter seating would be required to provide at least 40% of its seating capacity for nonsmokers. An establishment that had only counter seating and no table seating would have to provide at least 50% of its seating capacity for nonsmokers. The bill would extend to nonsmokers' counter seating the current requirement that tables for nonsmokers be clearly identified, placed in close proximity to each other, and located so as not to discriminate against nonsmokers.

Filing of Floor Plan

Each food service establishment, by January 1991, would have to file with the appropriate local health department a floor plan clearly delineating the smoking and nonsmoking areas of the establishment. The floor plan would have to be drawn to scale and depict the full dimensions of all food service areas.

A food establishment located in a shopping mall could file a general description of the seating arrangements provided by the owner or operator of the mall, accompanied by a copy of that part of the food service establishment's lease agreement that pertained to seating.

A food service establishment that was licensed after January 1, 1991, would have to comply with these provisions within six months after the date the license was issued. An establishment that changed its floor plan would have to notify the local health department and file an amended floor plan within 30 days after the change took effect. A food service establishment would have to post, adjacent to the required sign indicating the availability of a nonsmoking area, a copy of the most recent version of the establishment's floor plan.

Deletions

The bill would delete current provisions in the Code that require a food service establishment:

- With a seating capacity of at least 50 and not more than 100 persons, to provide at least three tables, each with a seating capacity for at least four persons, or the equivalent, for nonsmokers.
- With a seating capacity of more than 100 but not more than 150 persons, to provide at least six tables, each with a seating capacity of at least four persons or the equivalent for nonsmokers.
- With a seating capacity of more than 150 persons, to provide at least nine tables, each with a seating capacity of at least four persons or the equivalent for nonsmokers.

MCL 333.12905

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.