

SENATE BILL No. 686

November 8, 1989, Introduced by Senators CROPSEY, WELBORN,
DI NELLO, POSTHUMUS and GEAKE and referred to the
Committee on Local Government and Veterans.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding section 5116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 5116 to read as
4 follows:

5 SEC. 5116. (1) THE OWNER OR LESSEE OF A COMMERCIAL BUILDING
6 OR STRUCTURE OR A PART OF A COMMERCIAL BUILDING OR STRUCTURE
7 SHALL NOT MAINTAIN ON THE PREMISES A BOOTH, STALL, PARTITIONED
8 PORTION OF A ROOM, OR INDIVIDUAL ROOM USED FOR VIEWING
9 ENTERTAINMENT UNLESS AT LEAST 1 SIDE OF THE BOOTH, STALL,

1 PARTITIONED PORTION OF A ROOM, OR INDIVIDUAL ROOM IS OPEN TO AN
2 ADJACENT PUBLIC ROOM AND IS LIGHTED SO THAT THE AREA AND INDIVID-
3 UALS INSIDE ARE VISIBLE TO INDIVIDUALS IN THE ADJACENT PUBLIC
4 ROOM. THE OWNER OR LESSEE IS NOT REQUIRED TO USE LIGHTING THAT
5 IS OF SUCH INTENSITY THAT IT WOULD PREVENT THE VIEWING OF THE
6 ENTERTAINMENT.

7 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
8 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
9 FINE OF NOT MORE THAN \$1,000.00, OR BOTH. A COURT MAY FINE A
10 PERSON NOT MORE THAN \$500.00 FOR EACH VIOLATION OF THIS PART IF
11 THE PERSON IS GUILTY OF 2 OR MORE VIOLATIONS OCCURRING AT THE
12 SAME TIME. EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION.

13 (3) AS USED IN THIS SECTION:

14 (A) "BOOTH, STALL, PARTITIONED PORTION OF A ROOM, OR INDIVIDUAL ROOM" MEANS AN ENCLOSURE OF LESS THAN 150 SQUARE FEET SPECIFICALLY OFFERED TO THE PUBLIC OR MEMBERS OF A PRIVATE ESTABLISHMENT FOR HIRE OR FOR A FEE OR AN ENCLOSURE IN WHICH ENTERTAINMENT IS DISPENSED FOR A FEE BUT NO FEE IS CHARGED FOR MERE ACCESS TO THE ENCLOSURE, WHICH ENCLOSURE IS OFFERED AS ALL OR PART OF A BUSINESS OPERATED ON THE PREMISES. BOOTH, STALL, PARTITIONED PORTION OF A ROOM, OR INDIVIDUAL ROOM DOES NOT INCLUDE AN ENCLOSURE THAT IS A PRIVATE OFFICE USED BY THE OWNER, OR AN EMPLOYEE FOR ATTENDING TO THE TASKS OF HIS OR HER BUSINESS OR EMPLOYMENT AND THAT IS NOT HELD OUT TO THE PUBLIC OR MEMBERS OF A PRIVATE ESTABLISHMENT FOR HIRE OR A FEE OR FOR THE PURPOSE OF VIEWING ENTERTAINMENT FOR A FEE AND IS NOT OPEN TO ANY PERSON OTHER THAN THE OWNER OR AN EMPLOYEE.

1 (B) "DOOR, CURTAIN, OR PORTAL PARTITION" MEANS A
2 NONTRANSPARENT CLOSURE DEVICE THROUGH WHICH A PERSON OUTSIDE AN
3 ENCLOSURE CANNOT CLEARLY VIEW THE ACTIVITY TAKING PLACE WITHIN
4 THE ENCLOSURE.

5 (C) "ENTERTAINMENT" INCLUDES, BUT IS NOT LIMITED TO, MOTION
6 PICTURES, VIDEOTAPES, LIVE PERFORMANCES, OR OTHER FORMS OF
7 ENTERTAINMENT.

8 (D) "OPEN TO AN ADJACENT PUBLIC ROOM" MEANS EITHER THE
9 ABSENCE OF ANY DOOR, CURTAIN, OR PORTAL PARTITION OR A DOOR OR
10 OTHER DEVICE MADE OF TRANSPARENT MATERIAL THAT MEETS BUILDING
11 CODE AND SAFETY STANDARDS AND EXTENDS FROM THE FLOOR TO THE TOP
12 OF THE DOOR FRAME SO THAT THE ACTIVITY INSIDE THE ENCLOSURE CAN
13 BE VIEWED BY PERSONS OUTSIDE THE ENCLOSURE.