

Michigan's New Smokefree Law

What You Need To Know



What you need to know.

- Effective Date
- What's covered
- What's not
- Implementation
- Enforcement
- Resources



Dr. Ron Davis Smokefree Law

- House Bill 4377
- Passed by Senate and House on Dec. 10, 2009
- Signed by the Governor on Dec. 18, 2009
- Public Act 188 of 2009



Effective Date

- Effective Saturday, May 1, 2010
- Not Friday Night, 12:01 a.m.

May						
<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
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30	31					

2010



What does the smokefree law cover?



What does the smokefree law cover?

- All Workplaces
 - Public and Private
- All Food Service Establishments
 - A food service establishment is any place with a license to serve food and beverages
 - Restaurants
 - Bars
 - Bowling Alleys



What does the smokefree law cover?

- The law includes any public place
 - Bingo Halls
 - Shopping Malls
 - Concert Halls
 - Arenas
 - Museums
 - Mechanic Shops
 - Health Facilities
 - Nursing Homes
 - Educational Institutions
 - Child Care Centers
 - Hotel & Motels



What does the smokefree law cover?

- All Food Service Establishments
 - Outdoor areas of restaurants and bars where food and beverage may be served will be smokefree.
 - This includes patios of bars and restaurants



What does the smokefree law cover?

- VFW halls or other private clubs
 - Any establishment that has a food service license cannot allow smoking
 - Even if it only serves once a week or once a year
 - If they don't serve food or drink but employ at least one person, they must be smokefree



What does the smokefree law cover?

- Hookah Bars
 - Hookah bars can operate as tobacco specialty shops
 - Any establishment with a food service license must be smokefree



Exemptions



What are the exemptions?

■ Exemptions

- The Law does not apply to businesses located on sovereign grounds.
- Cigar bars
- Tobacco specialty stores



What are the exemptions?

- Casinos

- Detroit's 3 Casinos

- Smoking allowed only on the gaming floors
 - All restaurants, bars, hotels, conference rooms and common areas outside of the gaming area are still covered



What are the exemptions?

■ Cigar Bars

- Smoking may be allowed at existing cigar bars that meet specific criteria
- Cigar bars must meet all criteria



What are the exemptions?

■ Cigar Bar Criteria

- In existence
- Generated 10% or more of its total gross annual income from the on-site sale of cigars and the rental of on-site humidors
- Is separately located from any area where smoking is prohibited and smoke does not infiltrate into nonsmoking areas
- Has installed an on-site humidor
- Prohibits entry to anyone under the age of 18 during business hours
- Allows only the smoking of cigars that retail for over \$1.00 per cigar
- Prohibits the smoking of all other tobacco products
- Files an affidavit on January 31 of each year to claim the exemption



What are the exemptions?

■ Tobacco Specialty Shops

- Smoking may be allowed at tobacco specialty shops that meet specific criteria
 - In existence
 - Generated 75% or more of its total gross annual income from the on-site sale of tobacco products and smoking paraphernalia
 - Is separately located from any area where smoking is prohibited and smoke does not infiltrate into nonsmoking areas
 - Prohibits entry to anyone under the age of 18 during business hours
 - Files an affidavit on January 31 of each year to claim the exemption



What are the exemptions?

- Other exemptions

- A primary residence that is also used as an office and for no other employees other than the owner
- A motor vehicle



What are the exemptions?

- If you have questions about other places that may or may not be included in the law that have not been addressed in this presentation or the FAQ, please call the Michigan Department of Community Health at 866-59-SMOKE.



Implementation



What is implementation?

- Statewide education campaign
 - Community presentations
 - Brochures and other publications
 - Print an article in your publication
 - Ads in print and broadcast media around the state



What is implementation?

- State website:
 - www.michigan.gov/smokefreelaw
- Informational Line:
 - (866) 59-SMOKE



What is implementation?

- What are businesses required to do?
 - Beginning May 1, 2010, a person in charge of an establishment that is subject to the new smoke-free law must:
 - Post required no-smoking signs
 - Remove indoor ashtrays and other smoking receptacles
 - Direct any person who is smoking to extinguish the cigarette, cigar or other lighted item
- A compliance checklist is available on the smokefree law website.



What is implementation?

- Operation Check
 - Activate volunteers
 - Focused activities on May 1, 2010, during the first week of the law, after 3 months, after 6 months
 - Visibility in our communities
 - Wearing positive messages during the first weekend
 - Assure compliance
 - Observe activities and fill out surveys
 - Obtain positive media
 - Organizing an earned media activity for May 1 (Bar hop)



Enforcement



How is it enforced?

- Enforcing agencies are:
 - State health department
 - State agriculture department
 - For food service establishments (bars and restaurants)
 - Local health departments
- Complaint-driven
 - Complaints will be investigated by the designated enforcement agency



How is it enforced?

- Complaints may be enforced by the local health departments and the Michigan Department of Community Health Tobacco Section
- Visit www.michigan.gov/smokefreelaw to find out how to file a complaint



How is it enforced?

- If someone is smoking
 - The owner or manager is required to ask them to stop
 - If they don't, the owner or manager is required to deny service and ask the individual to leave
 - If they still don't stop, follow your normal protocol for dealing with disruptive customers or clients



How is it enforced?

- If an establishment is allowing smoking
 - The local health department can be asked to investigate
 - If smoking persists, the health department can take further administrative action that could lead to fines, fees and shut down of that establishment



How is it enforced?

■ Violations

■ A fine can be levied

- A civil fine of not more than \$100.00 for a first violation
- A civil fine of not more than \$500.00 for a second or subsequent violation.



How is it enforced?

- Experience in other states is that citations and fines are uncommon
- People like the law and comply
- No smoking signs are required to be posted
- Signs will be available from the Michigan Department of Community Health website:
www.michigan.gov/smokefreelaw



Cessation Resources



Cessation Resources

- We know that
 - When a smokefree worksites law goes into effect, smokers see it as an opportunity to quit.
 - There is an increase in requests for help in quitting.



Cessation Resources

- Resources for Employers: Quitting Tobacco
 - Check your benefits language. Does your provider cover tobacco dependence treatment counseling or medications?
 - Communicate what is covered via employee newsletter, payroll reminders, employee email, break room bulletin boards.
 - Check with your local health department, hospital, 211 or American Cancer Society to learn about programs that may be available in your community.



Cessation Resources

- State and National Printed Resources
 - Online or printed materials are available at:
 - www.cancer.org
 - www.americanheart.org
 - www.lungusa.org
 - www.michigan.gov/tobacco
 - www.smokefree.gov



Cessation Resources

- State and National Online or Telephone Resources
 - Telephone quit tobacco support is available at:
 - Michigan Tobacco Quitline 1-800-784-8669
 - American Lung Association 1-800-548-8252
 - National Cancer Institute 1-877-448-7848
 - Online quit smoking support can be found at:
 - www.cancer.gov/help
 - www.quitnet.com
 - www.becomeanex.org



Cessation Resources

- Michigan Tobacco Quitline
- 1-800-QUIT-NOW (1-800-784-8669)
 - Available 24 hours a day.
 - Information and referral to local programs for all callers.
 - Ongoing counseling available to those with Medicaid, Medicare, County Health Plans and no insurance.
 - Free nicotine patches, gum or lozenges available to qualifying callers who enroll in quitline services.



Cessation Resources

- American Cancer Society
 - Contact your local American Cancer Society office for additional cessation materials or resources
 - Office Locations:
 - Southfield
 - East Lansing
 - Ann Arbor
 - Jackson
 - Portage
 - Grand Rapids
 - Flint
 - Bay City
 - Iron Mountain



More Information

www.michigan.gov/smokefreelaw

www.michigan.gov/tobacco



Questions?

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