

RECOMMENDED GUIDANCE DOCUMENT

Violations Cited At Inspection Model Enforcement Policy Smoke-Free Law, PA 188 (Part 129)

Background

Local health departments are responsible for inspecting Food Service Establishments to comply with Public Act 188.

To ensure compliance and to protect the integrity of the law, the following graduated protocol will be followed regarding violation cited at inspections.

1. A violation of PA 188 was cited during an inspection by health department staff. Check box on evaluation form, fill out the MDCH “Smoke Free Workplace and Violation Complaint Form”, and log information into database).
2. After the violation is cited, staff communicates the violation to the person in charge and determines if the violation can be corrected at the time of inspection.
3. If the response from the business is determined to adequately resolve the violation, written documentation will be provided to the business on the MDCH “Smoke-Free Workplace Violation & Complaint Form”. If the response does not adequately resolve the violation, the business has 7 working days to respond by telephone or letter with the information about how the violation was corrected.
4. If health department staff has not heard from the owner or manager within the indicated time period, the owner or manager will be contacted to determine if corrective actions were taken.
5. If the violation has not been corrected or if violations are continuing to occur after notification, a hand delivered or a certified letter with proof of receipt will be sent indicating that further administrative action may be taken by the health department.
6. If compliance is achieved within the indicated time period, the complaint will be closed. If compliance is not achieved, the health department staff will work with the business to provide consultation to ensure compliance with the ordinance.
7. Staff will note findings on the MDCH “Smoke-Free Workplace Violation & Complaint Form” and will initiate enforcement procedures for violations of the law. (Follow the Local Health Department Enforcement Policy to achieve compliance.)

- **Note: This guidance is not intended to replace the authorities granted to a local health department in Act 188.**