

Frequently Asked Questions

What is the effective date?

The regulation was adopted on August 11, 2009 and went into effect on November 9, 2009.

What does this regulation do?

It requires the following indoor areas to be smoke-free:

- All worksites in Muskegon County with two or more employees (including home based businesses); indoor areas only; business vehicles that are used by two or more people; outdoors within "a distance sufficient to insure that persons entering or leaving the tobacco smoke does not enter the building" (Sec.1007.).
- All enclosed public gathering places
- It does not apply to bars and restaurants (the new state law covers all bars and restaurants)

Where can I get a copy of a sample smoke-free worksite policy? Where can I get smoke-free signs?

The health department website offers the following resources:

- Sample smoke-free worksite policies and sample employee agreement
- A copy of the regulation
- A summary of the regulation
- A checklist for ensuring compliance with the regulation
- Smoke-free signs available for printing or ordering (you may also pick them up at Public Health-Muskegon County)
- Information about quitting smoking
- Enforcement protocol
- Complaint form

Why is this regulation needed?

Muskegon County needs smoke-free indoor air for the health of its citizens and to reduce exposure to the harmful effects of secondhand smoke. Secondhand smoke is the second leading cause of preventable death in Michigan and is a significant public health threat. A clean indoor air regulation creates a safer, healthier workplace and decreases direct health care and insurance costs for employers.

How does secondhand smoke impact Muskegon County?

As many as 1,740 Michigan residents die every year from exposure to secondhand smoke-approximately 30 of them reside in Muskegon County (2007 data). Secondhand smoke is proven to cause heart disease, lung cancer, emphysema and asthma.

Does this affect restaurants and bars?

No, but starting May 1, 2010, the new state law requires restaurants and bars to be totally smoke-free.

Are there other things not covered by the regulation?

Private residences (except when used as a child care, health care or adult day care facility) and tobacco specialty stores are not covered.

What are businesses required to do?

They are required to provide a smoke-free worksite, to post no-smoking signs, to adopt a written policy prohibiting indoor smoking and to remove any smoking material receptacles within 30 feet from any entrances, windows and ventilation systems. No smoking signs and a sample policy on smoking are available from the health department website.

What happens if someone does not comply with the regulation?

The Compliance Evaluator at Public Health-Muskegon County is designated by the Health Officer to enforce the Muskegon County Clean Indoor Air Regulation. Any individual or business violating the regulation will first receive a warning. Fines may be imposed if non-compliance continues.

What has been the experience in other areas that have adopted a similar regulation?

Currently, there are more than 20 Michigan counties with similar regulations. The regulations have been well received in these areas. After the regulation passed, there were calls with questions, but very few complaints. Among all of these areas, only one fine has been imposed. All other issues have been resolved.

What is the appeal process like if someone were to appeal a warning or fine?

There is an appeals process written in Section 1012 D of the regulation.

The appeals process is the one described in section 333.2462 of the Michigan Public Health Code. This is the same appeals process the Health Department would use for other appeals, such as for sanitary code violations, etc.

Can a company provide an outdoor structure for smokers?

Yes, as long as it is not completely enclosed and at least 30 feet from any entrances, windows and ventilation systems.

Are smokers allowed to smoke on the balconies of smoking hotel rooms?

No, starting May 1, 2010, the new state law requires hotels and motels to be totally smoke-free.