

**A CALL TO THE MICHIGAN LEGISLATURE TO
PASS COMPREHENSIVE SMOKE-FREE WORKPLACE LEGISLATION**

At a regular meeting of the Muskegon County Board of Commissioners, held in the City of Muskegon, County of Muskegon on August 11, 2009, at 3:30 p.m., in the Commission Chambers.

PRESENT: Buzzell, Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Scolnik, Snider, Wade

ABSENT: None.

WHEREAS the Constitution of the State of Michigan of 1963 asserts in Article IV, Section 51 that: "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health;" and

WHEREAS the 2006 report of the US Surgeon General, Richard Carmona, MD, MPH, FACS, entitled The Health Consequences of Involuntary Tobacco Smoke identified six major conclusions with regard to the involuntary exposure of nonsmokers to tobacco smoke, that the scientific evidence now supports:

1. Secondhand smoke causes premature death and disease in children and in adults who do not smoke.
2. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.
3. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
4. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
5. Many millions of Americans, both children and adults, are still exposed to secondhand

smoke in their homes and workplaces despite substantial progress in tobacco control.

6. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke; and

WHEREAS the April 14, 2008 analysis entitled, Smoke-free Workplaces: The Impact of House Bill 4163 on the Restaurant and Bar Industry in Michigan, by Public Sector Consultants Inc. concluded that:

- * Compelling scientific evidence exists to support eliminating exposure to secondhand smoke.
- * This bill will have no net economic effect on the Michigan restaurant and bar industry.
- * Public support, measured by opinion polls and adoption of smoke-free laws in other states, is increasing—not decreasing.
- * A smoke-free workplace law that includes restaurants and bars does not constitute unwarranted government regulation of business. The compelling governmental interest in protecting public health is based on scientific evidence, public opinion, and more than 30 years of legislative and executive action; and

WHEREAS the Muskegon County Board of Commissioners has enacted a public health regulation prohibiting the smoking of tobacco products in all workplaces to the fullest extent allowable in Michigan, thereby assuring that a majority of Michigan residents are now covered by smoke-free workplace regulations and ordinances (2000 US Census); and

WHEREAS the Michigan Legislature has pre-empted Michigan's local public health departments and municipal governments from passing regulations or ordinances prohibiting tobacco smoke in workplaces which are licensed food service establishments.

NOW, THEREFORE, BE IT RESOLVED that the Muskegon County Board of Commissioners does hereby call upon the Michigan Legislature to immediately fulfill its constitutional obligation to pass suitable laws for the protection and promotion of the public health by passing legislation to fully protect all Michigan workers from secondhand smoke.

This resolution shall be effective when adopted.

AYES: Derezinski, Engle, Gill, Mahoney, McMurray, Nash, Scolnik, Snider, Wade, Buzzell, Collins

NAYS: None.

RESOLUTION DECLARED ADOPTED.

Nancy Waters JMP
Nancy Waters, County Clerk

I hereby certify that the following constitutes a true and complete copy of a resolution adopted by the Muskegon County Board of Commissioners at a regular meeting held on August 11, 2009, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1967.

Nancy Waters JMP
Nancy Waters, County Clerk