



Michigan's Smoking Ban and Its Effect on Municipalities

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As you likely know, Michigan's smoking ban became effective on May 1, 2010. In short, the smoking ban prohibits "smoking" in all "public places." So this new law will impact municipalities directly.

The scope of the smoking ban is best understood upon reviewing the smoking ban's definitions of key terms. The smoking ban defines "smoking" as the burning of a lighted cigar, cigarette, pipe, or any other matter or substance that contains a tobacco product. And it defines "public place" as any of the following areas:

1. an enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a meeting place for a public body;
2. an enclosed, indoor area that is not owned or operated by a state or local governmental agency, is used by the general public, and is an educational facility, a home for the aged, nursing home, county medical care facility, hospice, or hospital long term care unit, an auditorium, an arena, a theater, a museum, a concert hall, or any other facility during the period of its use for a performance or exhibit of the areas; and
3. an enclosed indoor area that contains one or more work areas for one or more person employed by a public or private employer.

In other words, smoking is now prohibited in all buildings owned or operated by a municipality and which is used by the general public or serves as the municipality's meeting place.

Those who own, operate, manage, or have control of a public place must do all of the following to fully comply with the law:

- Clearly and conspicuously post "no smoking" signs or the international "no smoking" symbol at the entrances to and in every building or other area where smoking is prohibited.
- Remove all ashtrays and other smoking paraphernalia from anywhere smoking is prohibited.
- Inform individuals smoking in violation of this act that they are in violation of state law and subject to penalties.

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- If applicable, refuse to serve an individual who is smoking in violation of the ban.
 - Ask an individual who is smoking in violation of the ban refrain from smoking and, if the individual continues to smoke in violation of the ban, ask him or her to leave.

