

Commonly asked questions about the Regulation to Prohibit Smoking in Enclosed Places

When was the regulation passed and what date did it go into effect?

The regulation was passed on November 25, 2003 by the Genesee County Board of Commissioners. It has been in effect since February 23, 2004.

Does the regulation cover manufacturing plants?

Yes. According to section 1005.1 of the regulation, "smoking shall be prohibited at all enclosed places and worksites within the County of Genesee." Any exemptions are listed in section 1010.

Are business vehicles covered under the regulation?

Yes. According to section 1005.1 of the regulation, smoking is prohibited in business vehicles.

What is a "reasonable distance" from entrances and exits?

According to section 1008.1 of the regulation, "a reasonable distance shall be a distance sufficient to insure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to insure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means."

Does the repeal at the end of the regulation repeal itself therefore making the regulation ineffective?

No. The repeal in section 1020 of the regulation repeals the previous Genesee County Regulation to Control Smoking in Enclosed **Public** Places enacted in 1994. The current regulation is titled the Genesee County Regulation to Prohibit Smoking in Enclosed Places and incorporates much of the language from the previous regulation.

Does the regulation cover bars and restaurants?

No. Section 1010 of the regulation lists "Facilities Where Smoking is Not Prohibited by This Regulation." Food service establishments, which include both restaurants and bars, are listed in item 1010.1.3. Smoking in food service establishments is regulated by the Michigan Public Health Code, MCL 333.12905.

Can worksites have a designated smoking area?

Yes. According to section 1006 of the regulation, the owner or operator of a facility may designate a smoking area, if it conforms to the requirements outlined in the regulation. "The designated smoking area shall be fully enclosed, with a self-closing door. It must have a separate ventilation system, with its own exhaust fan(s) and air handling unit(s)

to ensure that contaminants from the smoking area do not enter the nonsmoking areas or the air system for the rest of the facility. There must be break areas for non-smokers equivalent in size.”

How will the regulation be enforced?

The enforcement of the regulation is complaint-based and will be handled by the Genesee County Health Department. According to section 1013.2 of the regulation, “any individual may file a complaint with the Genesee County Health Department.” Complaints can also be made by phone (including by leaving a detailed message) or through the Health Department website.

If there is a violation of the regulation who will be ticketed, the individual or the business?

According to sections 1014.1 and 1014.2 of the regulation, “it is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation and it is also unlawful for any individual to smoke in any area where smoking is prohibited.” This allows for enforcement of the regulation against either the individual or the business or both.

For additional information please review the regulation posted on our website. To file a formal complaint please contact the Genesee County Health Department at (810) 257-3612.