



NORTHWEST MICHIGAN COMMUNITY HEALTH AGENCY

Health Department of Northwest Michigan

www.nwhealth.org

December 1, 2005

Dear Employer:

On October 4, 2005, Northwest Michigan Community Health Agency adopted the Public Health Clean Indoor Air Regulation of 2005. This Regulation is very similar to the Public Health Clean Indoor Air Regulation which was adopted and approved several months ago.

As you may be aware the previous Regulation was challenged legally. The lawsuit raised a number of issues, which were incorrect in both fact and law. However, in the process of closely reviewing the documentation relative to the approval of the first regulation, our legal counsel determined that there was a technical flaw in the publication notice of the public hearing. Rather than litigate on such an issue, our legal counsel suggested that it would be simpler to re-adopt and re-approve the Regulation.

Antrim, Emmet and Otsego County Boards of Commissioners all voted in favor of re-approving the Regulation. This Regulation will become effective January 9, 2006 and requires public and private work sites to create and implement a smoke-free policy prohibiting smoking in all enclosed areas, **except** for the following: private residences, except when used as a child care, health care, or adult day care facility, casinos, restaurants, bars, and tobacco specialty stores.

Please note the following changes from the previous Regulation.

In Section 1004. Definitions, the definition for employer is changed to businesses and other entities which employ *two individual employees*. (The former wording included all businesses of *one or more employees*.)

In Section 1008. Where Smoking is not Regulated, adds wording which states that smoking is **not regulated** in an employer owned or leased vehicle *which is occupied by only one employee and is not occupied by other employees or the public*. (The former wording of the regulation implied that smoking was prohibited in all business vehicles.)

Also in Section 1008, a paragraph is added which states that smoking is allowed in *A designated smoking room that is a separate enclosed area that is independently ventilated so that smoke does not enter other non-smoking areas of the work site. The provision of a designated smoking room shall not result in the diminishment of workplace amenities to non-smoking employees nor require that they enter a designated smoking room to access those amenities. Before a designated smoking room becomes operational, the Health Officer or a representative of the Health Officer shall determine whether the designated smoking room complies with this regulation.*

In order to assist your business in becoming a smoke-free workplace, we have made available a brochure outlining the Regulation, a resource guide for smoking cessation programs for employees, a sample smoke-free policy, and a no-smoking door decal. These resources are available by visiting our website at www.nwhealth.org or by calling 231.547.6523.

Sincerely,

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Health Officer

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