

## Frequently Asked Questions about the New Smoke-Free Law

**Disclaimer: We do not have official specifics on the law. We can only provide a brief overview of some frequently asked questions. The questions answered at this time are a brief overview and are not official answers.**

**The smoke free bill was signed into law on Friday, December 18, 2009.**

**What date does the law take effect?**

May 1, 2010

**What does the law cover?**

All worksites excluding tobacco specialty shops, portions of casinos and designated cigar bars.

**What are the requirements for the Tobacco Specialty Shop Exemption?**

The shop's primary purpose must be the retail sale of tobacco products and smoking paraphernalia. The shop must generate 75% or more of its total gross annual income for the on-site sale of tobacco products and smoking paraphernalia. The tobacco specialty retail store must be physically separated from any areas of the same or adjacent establishments in which smoking is prohibited under the smoke free law. "Physically separated" means an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from floor to ceiling. The tobacco specialty retail store must prohibit entry to a person under the age of 18 during the time the tobacco specialty retail store is open for business.

**What are the requirements for a cigar bar designation?**

Cigar bars may be exempted provided they meet the criteria outlined in Bill 4377. To date, the specific criteria can be viewed by visiting: [www.legislature.mi.gov](http://www.legislature.mi.gov).

***What is a cigar bar?***

- A cigar bar is an establishment or a specially designated area within an establishment that is open to the public and is designated for the smoking of **cigars only**.
  - If a business owner chooses to designate an area as a cigar bar within his/her business, that area must be physically separated from any areas of the same or adjacent establishment where smoking is prohibited. Physically separated means an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to ceiling. The smoke from the cigar bar must not infiltrate the nonsmoking areas.
- In order to qualify for this exemption, the cigar bar must file an affidavit with the Department on or before May 31, 2010 stating that the cigar bar

was in existence on May 1, 2010 and must meet the following requirements:

- In the 30-day period immediately preceding (April 1) the effective date of May 1, 2010, the cigar bar must generate 10% or more of its total gross annual income from the on-site sale of cigars AND the rental of on-site humidors.
- The cigar bar must be physically separated from any areas of the same or adjacent establishment in which smoking is prohibited. Smoke may not infiltrate into those nonsmoking areas.
- The cigar bar must have an installed on-site humidor.
- The cigar bar must prohibit entry to a person under the age of 18 during the time the cigar bar is open for business.
- Cigars smoked on the premises must retail for over \$1.00 per cigar.
- The cigar bar must prohibit the smoking of all other tobacco products.

**How do I apply for a cigar bar exemption or how do I make my bar a cigar bar?**

The state is in the process of developing an affidavit using the letter of the law to declare the cigar bar designation. Once this process is developed, it will be announced to the public.

**What are the requirements for Casinos?**

Only the gaming areas of Detroit's three casinos are exempted. Every bar, restaurant, conference room and lobby outside the gaming space will be smoke free. State law does not govern Native American land, so smoking may be allowed at tribal casinos.

**Can smoking be allowed on patios of restaurants and bars?**

Patio areas of bars or restaurants where food or beverages are served are an extension of the establishment, therefore smoking would be prohibited.

**Are private clubs (i.e. American Legions, Moose Lodges, Rotary Clubs, Masons) exempted?**

No. Private clubs are not exempted. Any establishment that serves food or drink – which requires a license – cannot allow smoking, even if it only serves once a week or once a year. If clubs don't serve food and drink, but employ at least one person, they must be smokefree.