



# Steaming Kettle

*Information Newsletter on Issues Concerning the Food Service Industry*

## Michigan's Smoke-Free Air Law

On May 1, 2010, Michigan residents and visitors will be protected from exposure to secondhand tobacco smoke in all restaurants, bars and businesses (including hotels and motels), thanks to the Dr. Ron Davis Smoke-free Air Law.

It will also allow for healthier work environments for employees.

Michigan's smoke-free air law was passed by the Michigan legislature and signed by the Governor in December 2009.

The law requires all businesses, including restaurants and bars to be smoke-free effective May 1, 2010. The ban includes private clubs and organizations. Smoking is also banned in enclosed areas of hotels, motels, and inns. Smoking is

permitted in: 1) cigar bars that meet specific requirements; 2) tobacco specialty shops that meet specific requirements; 3) private offices where only one person is the employee; and 4) gaming floors of Detroit's casinos.

This law will go into effect on May 1, 2010. If you have any questions regarding the smoking ban please contact the Health Department.

## Food Service Establishment Frequently Asked Questions Regarding Public Act 188

### **Where is smoking prohibited in a restaurant?**

Smoking is not allowed in any indoor area as well as outdoor areas such as patios or rooftops where patrons are intended to receive service and/or consume food and/or beverages.

### **Where are restaurant guests or employees permitted to smoke?**

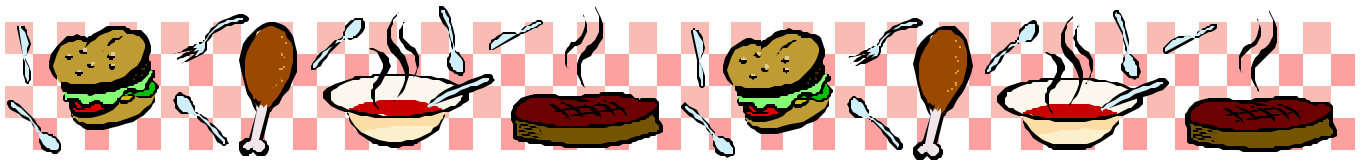
Smoking may be allowed in outdoors areas where foods and/or beverages are not intended to be served and/or consumed.

### **What do restaurant operators need to do to comply with this law?**

Restaurant operators shall prohibit smoking in areas where it is not permitted. Compliance is determined by the following:

- Clearly and conspicuously post "no smoking" signs or the international "no smoking" symbol at each entrance and in other areas where smoking is prohibited under this act. These other areas may include outdoor areas such as patios or rooftops where patrons are intended to receive service and/or consume food and/or beverages.
- Removing ashtrays and other smoking paraphernalia from anywhere where smoking is prohibited.





## Food Service Establishment Frequently Asked Questions Regarding Public Act 188 Cont.

- Informing individuals smoking in violation of this act that they are in violation of state law and are subject to penalties.
- Refusing service to an individual smoking in violation of this act.
- Asking an individual smoking in violation of this act to refrain from smoking and, if the individual continues to smoke in violation of this act, ask him or her to leave.



### **How should I respond if someone is smoking in my establishment?**

You should politely ask the individual to stop smoking and inform them that they are in violation of Public Act 188 and they are subject to penalties. If the individual continues to smoke, you should refuse service to that individual and ask him or her to leave. It is recommended that you communicate this incident with your staff and log it into any tracking mechanism your establishment may have to document your actions.

### **How far do people have to be from a building or entrance to smoke?**

There is no specific distance requirement that people are required to be from a food service establishment to be able to smoke. However, it is recommended that smoking not be allowed at entrances or other areas that may allow smoke to infiltrate the establishment. There may be local ordinances that require a particular distance smokers can be from businesses that are not licensed as food establishments.

### **Where does signage need to be placed?**

"No Smoking" signs or the international "no smoking" symbol must be clearly and conspicuously posted at all entrances (front, side and/or rear). Additionally, signs must be posted at other areas where smoking is prohibited which may include patios, rooftops, outdoor tables and other areas where foods and/or beverages are intended to be served and/or consumed. For mobile food units and special transitory food units, this is typically at the entrance and/or food preparation areas of the unit. Due to the varied nature of temporary food establishments, the local health departments will work with the individual vendors and festival coordinators to determine non smoking areas.

### **Who will provide the signage?**

It is the responsibility of the food establishment to comply with the provisions of this law.

### **What is smoking paraphernalia?**

Smoking paraphernalia means any equipment, apparatus, or furnishing that is used in or necessary for the activity of smoking. Smoking paraphernalia includes, but is not limited to, cigarettes, cigars, pipes, hookah pipes, ashtrays, etc. This includes any receptacle provided for the extinguishment or disposal of tobacco byproducts.

### **Can food service establishments have a smoking hut?**

A smoking hut may be permitted in an outdoor area where food and/or beverages are not permitted to be served and/or consumed.

*Did you know?*  
Michigan is the  
38th state to  
prohibit  
smoking in  
public places.





# Causes of Foodborne Illness Outbreaks in Michigan

Infected workers handling food with their bare hands is the most frequent cause of foodborne illness in Michigan. The culprit *Noroviruses* was the most frequently identified agent involved in outbreaks in Michigan. Most outbreaks occurred because an infected worker handled food in an unsanitary manner. Other factors in Michigan foodborne illness outbreaks listed in order of frequency include:

- Inadequate cold holding temperatures
- Preparing foods a half day or more before serving as in preparing a banquet a day in advance
- Insufficient time and/or temperature during initial cooking
- Raw product/ingredient contaminated by pathogen from an animal or environment
- Allowing foods to remain at room temperature for several hours
- Too slow cooling as with deep containers or large roasts



## Top Five Critical Violations Cited in 2009

### 1. 7-102.11 Working Containers, Common Name

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

### 2. 7-201.11 Chemical Storage, Separation

Poisonous or toxic materials shall be stored so they can not

contaminate food, equipment, utensils, linens, and single-service and single-use articles.

**3. 5-402.11 Air Gap (Waste Drain)** A direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. A proper air gap is twice the diameter of the waste pipe, not less than 1".

### 4. 3-302.11 Protection from Contamination after Receiving

Food shall be protected from cross contamination by: Separating raw animal foods from: Raw ready-to-eat food and cooked ready-to-eat food; and separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display or as otherwise required. Food equipment, utensils, damaged/spoiled goods, containers shall not contribute to cross contamination.

**5. 3-501.17 Date Marking** Ready-to-eat, potentially hazardous foods prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date or day by which the food shall be consumed. A date marking system that does not exceed 7 days, including date of preparation, or opening is to be used.



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We're on the Web!

See us at:

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To access local food  
service inspection  
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link under "Food  
Protection" on our  
home page.

## 2010-2011 Food Service Establishment License Applications

The 2010-2011 food service license application for your establishment is enclosed. It must be filled out and submitted with the appropriate fee payable to the Livingston County Department of Public Health (LCDPH) by April 30, 2010.

### Annual Food Service Sanitation License

Seating Capacity 0 – 25	570 + 27 or 5 (non profit) State Fee
Seating Capacity 26 – 50	618 + 27 or 5 (non profit) State Fee
Seating Capacity 51 – 75	746 + 27 or 5 (non profit) State Fee
Seating Capacity 76 – 100	816 + 27 or 5 (non profit) State Fee
Seating Capacity 101 – over	918 + 27 or 5 (non profit) State Fee

### Schools

Full Service Kitchen	918 + 27 State Fee
Satellite/Serving Kitchen	570 + 27 State Fee

### Fraternal, Civic, Non-profit and Religious organizations

570 + 5 (non profit) State Fee

### Mobile Food Establishment Mobile Food Establishment Commissary

205 + 27 or 5 (non profit) State Fee  
205 + 27 or 5 (non profit) State Fee

### Special Transitory Food unit STFU – Inspection Fee (State Fee)

101 + 41 or 5 (non profit) State Fee  
90

License applications received after April 30, 2010 will be subject to the following penalties:

### Penalty Schedule

May 1 - 7, 2010  
May 8 - 14, 2010  
May 15 - 21, 2010  
May 22 - 28, 2010  
May 29 - June 4, 2010  
**After June 5, 2010**

### Penalty Fee

10% of license fee  
20% of license fee  
30% of license fee  
40% of license fee  
50% of license fee  
**75% of license fee + admin.  
Action referral**

## Food Service Evaluation Team

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