



January 22, 2009

Dear Honorable Members of the Michigan State Legislature:

Subject: Smoke free bars and food service establishments

I am writing at the direction and on behalf of the City Commission of Traverse City.

We request your leadership in introducing legislation that would allow local control over smoking in bars and food service establishments.

On August 5, 2007, the City of Traverse City's *Smoke Free Areas* ordinance took effect. A very unfortunate gap in the ordinance is that it does not apply to food service establishments due to provisions in the Public Health Code.

On January 15, 2008, we wrote Senator Jason Allen encouraging him to craft legislation that would allow for local control of smoking in public places. While Senator Allen did not introduce this legislation we are pleased that two versions of making bars and food service establishments smoke free were introduced. It is unfortunate that neither proposal could generate the required support to benefit the citizens of our State.

At this writing, we not only look to leadership from our local representatives but additionally to all members of the Legislature to introduce legislation that would allow local units of government to control smoking in bars and restaurants. We believe this compromise language is reasonable and allows those communities who support smoking in their bars and restaurants to continue to do so.

Local public comments are very favorable for this proposal and we do not believe that area bars and food service establishments will be affected adversely from smoking bans but rather that business in these establishments will actually prosper.

Enclosed is a suggested two sentence bill to amend section 12915 of the 1978 PA 368, entitled "Public Health Code" that we believe would allow for local control.

Members of the Michigan Legislature, page two
January 22, 2009 - Smoke Free Bars and Food Service Establishments

We thank you for your consideration of this important health issue and look forward to a healthier local community.

Most sincerely,

A handwritten signature in black ink, appearing to read "Michael Estes". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke at the end.

Michael Estes
Mayor

ME/bcm

Copy: City Commission
Michigan Municipal League
R. Ben Bifoss, City Manager

LOCAL CONTROL OF SMOKING IN BARS AND RESTAURANTS

A bill to amend 1978 PA 368, entitled "Public Health Code," by amending section 12915 (MCL 333.12915).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

333.12915. Local regulation of food service establishments not limited

Sec. 12915. (1). A county, city, village, or township shall not regulate those aspects of food service establishments or vending machines which are subject to regulation under this part except to the extent necessary to carry out the responsibility of a local health department pursuant to sections 12906 and 12908. This part shall not relieve the applicant for a license or a licensee from responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances not in conflict with this part.

(2). THE LIMITATION ON LOCAL REGULATION IN SUB-SECTION (1) SHALL NOT APPLY TO ANY COUNTY, CITY, VILLAGE, OR TOWNSHIP ORDINANCE OR REGULATION THAT BANS OR RESTRICTS SMOKING IN BARS OR FOOD SERVICE ESTABLISHMENTS. SUCH ORDINANCES AND REGULATIONS ARE EXPRESSLY AUTHORIZED, NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART.