

Smoking Ban Notification (E-mailed 04/28/2010)

Effective May 1, 2010, Public Act 188 of 2009 prohibits smoking in a "public place" and requires posting of "no smoking" signs, removal of ash trays and other smoking paraphernalia, and to inform individuals they may not smoke in affected establishments.

Nursing homes, county medical care facilities, and hospital long-term care units are included within the scope of this statewide smoking prohibition.

Questions have arisen since the passage of P.A. 188 regarding whether or not patient rights (for smoking accommodations) would be legally violated due to the implementation of the smoking ban in long-term care facilities, particularly the Medicare/Medicaid participation requirements under federal law.

Preliminary discussions with the Centers for Medicare and Medicaid Services (CMS) indicate that CMS **will not** direct the State Survey Agency (MI Department of Community Health) to cite patient rights violations for implementing the smoking ban in accordance with State law. However, P.A. 188 does not prohibit facilities from accommodating residents who want to continue smoking outside of the facility if the facility is able and willing.

If you have questions about P.A. 188, a website, www.michigan.gov/smokefreelaw, has been established to provide additional information about this law. If you cannot find the answer to your question on the website, you may call the smoke-free hotline at 1-866-59-SMOKE.