

The actual complaints received by the Local Health Departments for the first and second year of the Dr. Ron Davis Smoke Free Law in Michigan.

Prior to implementation MDCH conducted two informational training sessions in all 6 regions of the state. The first session was conducted in January 2010. The focus of the first session was to provide preliminary information about the law and to gain input on the implementation work plan from partners, contractors and MDARD. The focus of the second session was to provide extensive training on the objectives and activities outlined in the work plan. The focus of the sessions was to ensure the general public and regulated businesses received the same consistent messages about the law throughout the state. The final training session also placed a major concentration on enforcement methodology.

Generally speaking smoke-free laws are “self-enforcing”, however to ensure compliance and to protect the integrity of the law, the local health departments were required to follow a complaint-protocol regarding reported violations of the law. MDCH continued to provide ongoing consultation and technical assistance to contractors related to activities outlined in the work plan. The goal is compliance not citations.

Methodology

When a complaint is received by the health department staff and the MDCH “Smoke-free Workplace Violation & Complaint Form” is used to log the complaint. A sample database was created and provided to local health departments to document complaints for P.A. 188.

Within 5 working days of receiving a complaint, staff determines validity of complaint. (Is complaint related to the enforcement of PA 188? Does the complaint violate provisions outlined in the law?)

If the complaint is valid, staff contacts the business describing the complaint and determines if further investigation is needed. If further investigation is needed, the local health department will follow the complaint protocol.

If the response from the business is determined to adequately resolve the complaint, health department staff will use the “Smoke-free Workplace Violation & Complaint Form” to close the complaint.

If the response does not adequately resolve the complaint, staff will send a letter to the business describing the complaint (letter A) along with educational information about the law (Checklist). The business has 7 working days to respond by telephone or letter with information about how the situation was corrected.

If health department staff has not heard from the owner or manager within the indicated time period, a call would be placed to make sure that the owner/manager received and understood the complaint letter.

If compliance is achieved, the complaint will be closed using the “Smoke-free Workplace Violation & Complaint Form”. If compliance is not achieved, health department staff will work with the business to provide consultation to ensure compliance with the ordinance.

Staff will document findings on the “Smoke-free Workplace Violation & Complaint Form” and will initiate enforcement procedures for violations of the law.

The MDCH developed a zoomerang survey for the local health departments to submit their total numbers of violations for both parts of the Law (126 and 129) by counties for the first year and second year of the law.

Results

All data were collected and analyzed from the health departments.

The findings shown in figure-1 are for the food establishments (part-129). There were a total of 1132 violations received by the local health departments in the 1st year while only 470 violation during the 2nd year.

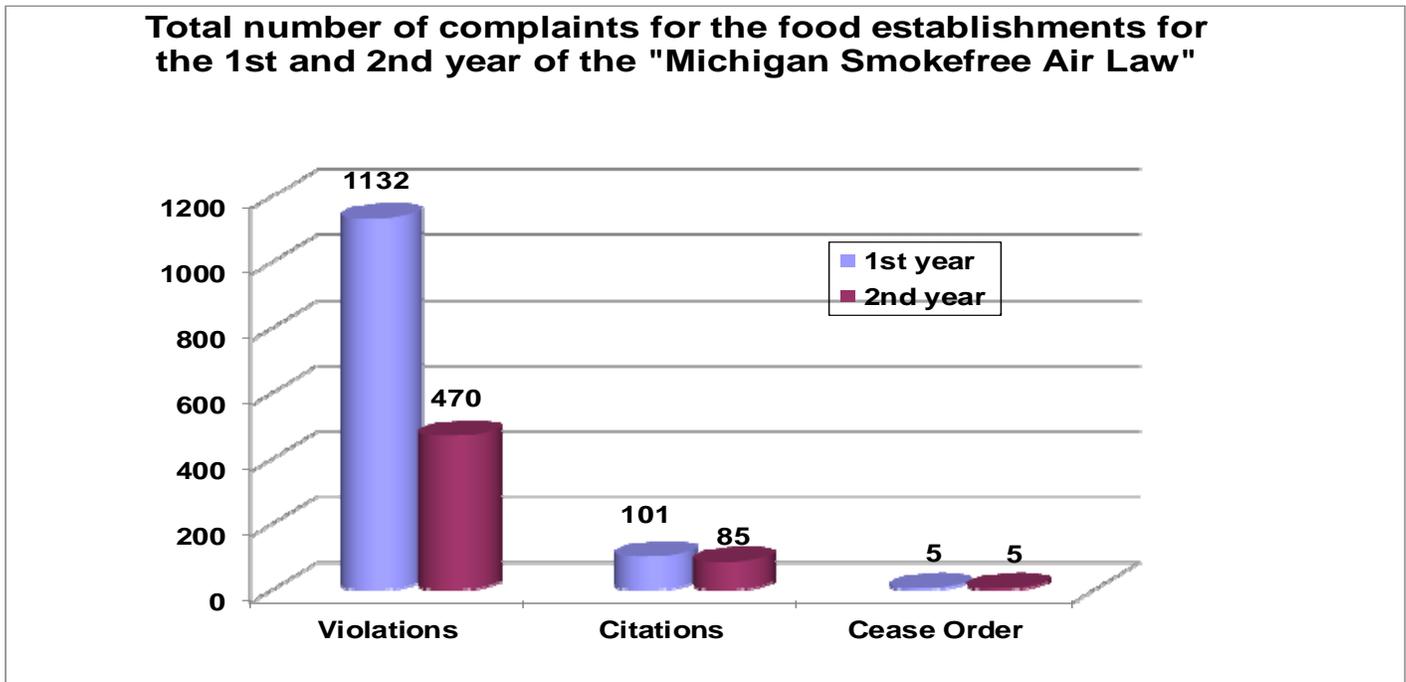


Figure-1 Total number of the complaints from the food establishments (Part-129) during 1st and 2nd year of the law_ From May 1st 2010 to April 30th 2012

For the first year, MDCH has received the data from 83 Counties, and the rate of the violations for the first year was calculated according to the total number of the food establishment in the state (36,900):

The Rate of complaints for part-129 is = $1132/36900 * 100\% = 3\%$

While for the second year, we have received data from 76 Counties, and the rate of the violations was also calculated according to the total number of the food establishment in the state (36,900):

The Rate of complaints for part-129 is = $470/36900 * 100\% = 1.3\%$

Figure-2 below shows the violation reported for the worksites, the non-food establishments which is part 126 in the smoke free law. In the first year there were 365 violations, while in the second year there were only 225 violations reported.



Figure-2 Total number of the complaints from the worksites, the non-food establishments (Part-126) during 1st and 2nd year of the law_ From May 1st 2010 to April 30th 2012

Conclusion

The key to successful implementation and enforcement of a statewide smoke-free law is public education and awareness. The high statewide compliance rate and low complaint rates are also indications of the success of the reach of the educational and awareness activities.

All our local health departments and partners were highly successful in the implementation and enforcement of the law. Michigan reported the lowest complaint rate and the highest compliance with smoke free law and these results were achieved because of the educational campaigns to educate the public and the business owners and managers about the smoke-free law through increased awareness and earned media efforts.