



# Behind the Counter

A Food Service Newsletter of the Barry-Eaton District Health Department

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Winter 2010  
Volume 27, Issue 1

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**Editor:** Ken Bowen

The Barry-Eaton District Health Department is committed to food safety and serves the community by:

**Providing** education for both consumers and food service operators;

**Promoting** food safety measures that lower the risk for foodborne disease;

**Protecting** the community's health through prevention and intervention.

### Eaton Office Staff:

Wynn Berry  
Ken Bowen  
Dur Efaw  
(517) 541-2615

### Barry Office Staff:

Jodi Trantham  
Greg Cabose, Supervisor  
(269) 945-9516

Steve Tackitt, Health Officer  
Eric Pessell, EH Director

## Michigan's Smoking Ban: What Does it Mean for You?

On December 18<sup>th</sup> 2009, Michigan became the 38<sup>th</sup> State to enact smoke-free legislation. The new law that takes effect on May 1, 2010 will apply to all places of business that have employees or serve the public. For establishments that currently allow smoking on their premises, some adjustments will be necessary. It is important to note that the state has yet to clarify some parts of the law. However, we can answer some questions that owners/operators have already brought forward.

### 1) What facilities are included in the new smoking ban?

The legislation states that smoking may not occur in "food service establishments" as defined in the Michigan Food Law of 2000. The Food Law defines a food service establishment as "*a fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating and drinking establishment or operation where food is served or provided to the public.*" In short, if you have a food license, your facility is included in the ban.

### 2) Are outdoor patios included in the smoking ban?

Yes, although we are expecting clarification from the State. The new law states that "*an individual shall not smoke in a food service establishment.*" If a patio is part of the establishment, it is included in the ban. Confusion has arisen from Section 12603(1) of the legislation that states smoking cannot occur in a public place, with a public place defined, in part, as an "enclosed, indoor area." This suggests that smoking outdoors is allowed. However, a closer look at the wording of the legislation reveals that a food service establishment is not included in the explanation of an "enclosed, indoor area." The ban as it applies to food service establishments is covered in a separate portion of the legislation (Part 129).

### 3) Cigar bars are exempt from the ban. How do I become a cigar bar?

A cigar bar must be in existence by the effective date of the legislation (May 1, 2010) to be exempt from the ban. The owner of a cigar bar must file an affidavit with the Michigan Department of Community Health (MDCH) no later than May 31, 2010. Section 12606a(1)a-g of the new legislation outlines what must be included in the affidavit. Neither cigars retailing for less than \$1.00 nor cigarettes are allowed in cigar bars.

# Michigan's Smoking Ban: What Does it Mean for Me? (continued)

## 4) What are my responsibilities as the owner/operator?

- (a) *Clearly and conspicuously post "no smoking" signs or the international "no smoking" symbol at the entrances to and in every building or other area where smoking is prohibited under this act.*
- (b) *Remove all ashtrays and other smoking paraphernalia from anywhere smoking is prohibited under this act.*
- (c) *Inform individuals smoking in violation of this act that they are in violation of state law and subject to penalties.*
- (d) *If applicable, refuse to serve an individual smoking in violation of this act.*
- (e) *Ask 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 the public place, food service establishment, or nonsmoking area of the casino.*

## 5) What are the penalties for failure to comply with the ban?

The health department will investigate any complaints regarding the smoking ban. If a violation is found, the food service establishment will have two days to correct the violation. If the violation is not corrected, a cease and desist order may be served to the food service establishment. The food service establishment would not be able to legally serve food or drink until the violation is corrected. Individuals who do not comply with the ban will also be subject to civil fines.

If you currently allow smoking in your establishment, and would like a representative from our department to help you in this transition, please contact our department before May 1<sup>st</sup> for an on-site consultation. In addition, the State will be providing a smoke free tool kit and fact sheets prior to May 1<sup>st</sup>.

For a copy of the legislation go to:

[http://www.michigan.gov/documents/mdch/2009-HNB-4377\\_304980\\_7.pdf](http://www.michigan.gov/documents/mdch/2009-HNB-4377_304980_7.pdf)

For a copy of Frequently Asked Questions from MDCH go to:

[http://www.michigan.gov/documents/mdch/FAQ\\_Smoke\\_Free\\_Law\\_1.7.10\\_307237\\_7.pdf](http://www.michigan.gov/documents/mdch/FAQ_Smoke_Free_Law_1.7.10_307237_7.pdf)



# It's Norovirus Season!

Recently, our department has noticed an increase in reports of gastroenteritis (commonly called stomach flu) within the Barry-Eaton Health District. As you may know, norovirus is the most common cause of gastroenteritis. If you operate a food service establishment, it is important to have good operational procedures and employee practices in place to minimize the chance of either an individual case or an outbreak of norovirus. In addition, you can contact our office for assistance in the event of a vomiting or diarrheal incident.

## Norovirus Facts:

- Symptoms may include: nausea, vomiting, stomach cramps, watery diarrhea, chills and/or low grade fever.
- Transmission occurs:
  - (a) When a person currently has or has recently had diarrhea and is not effectively washing their hands, and that person touches food or other surfaces with their hands.
  - (b) When someone vomits, thus releasing norovirus particles into the air and onto food or other surfaces.
- Norovirus particles can survive for weeks on a variety of surfaces.
- Most Quaternary Ammonia Sanitizers (quat) are not effective at destroying norovirus particles. In outbreak situations, chlorine bleach is recommended as a disinfectant.

## Preventative Measures:

- 1) Follow good handwashing practices, particularly washing hands at the proper times and using proper methods (scrubbing with soap for 20 seconds).
- 2) Stay home for **24 hours after** symptoms of diarrhea and/or vomiting are gone.
- 3) Do not handle food or food-contact surfaces for **48 hours after** symptoms of diarrhea and/or vomiting are gone.
- 4) Routinely review your establishment's health policy and reporting requirements with staff. *Every food service establishment involved in a major outbreak in the Barry-Eaton Health District had a written health policy but was not routinely reviewing it with staff.*

If a **vomiting or diarrheal incident** occurs within your facility, follow these steps for cleaning:

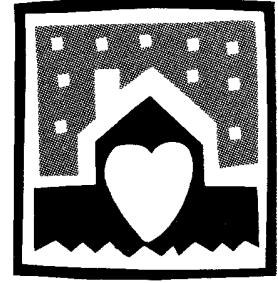
- 1) Wear proper PPE (personal protective equipment). At a minimum, PPE should include disposable gloves, an N-95 dust mask that covers the mouth and nose, and some type of eye protection.
- 2) Soiled cleaning supplies (wiping rags, mop heads) should be properly disposed of in leakproof plastic bags. Cleaning equipment (mop bucket, mop handle, mop sink, wiping cloth buckets, etc.) needs to be thoroughly disinfected with chlorine bleach after use.
- 3) Discard any exposed food or single service foodware within 25 feet of the incident site. All other exposed foodware (plates, glasses, silverware, cookware, utensils, cutting boards, food service equipment, etc.) needs to be washed, rinsed, and sanitized twice. For chemical sanitization use 200 ppm chlorine bleach.
- 4) Properly disinfect all surfaces (food and non-food contact, including carpeting and upholstery) within 25 feet of the incident. Follow the MDA/MDCH guidelines for environmental cleaning and disinfection of norovirus available at:



Barry-Eaton District Health Department  
1033 Health Care Drive  
Charlotte, MI 48813

Steve Tackitt, Health Officer

Eric Pessell, EH Director



*Caring for the Community  
Since the 1930's*  
[www.barryeatonhealth.org](http://www.barryeatonhealth.org)

## Food Safety Certification Classes

As of **June 30, 2009** the Michigan Food Law of 2000, as amended, requires that every Licensed Food Service Establishment have at least one Certified Food Manager as part of the managerial staff. To become certified, a person must successfully pass a Certified Food Manager Exam that is nationally accredited by ANSI/CFP.

To help meet this need, the Barry-Eaton District Health Department will be offering classes and examinations on the following dates at the following locations. If you are interested in attending, please contact our office at (517) 541-2629 or (269) 945-9516 x. 35. The examination can be taken in several common languages. Advance notice is required for exams in languages other than English.

### Dates and locations of upcoming training sessions:

February 9<sup>th</sup> and 11<sup>th</sup> at the Hastings Office  
February 23<sup>rd</sup> and 25<sup>th</sup> at the Charlotte Office



Classes will begin at 8:00 AM and end at 12:00 PM on the first day. Class will run from 8:00 AM to 11:00 AM on the second day, and the examination will be given from 11:00 AM to 1:00 PM. The average time needed to complete the exam is 50 minutes. The cost of the class and examination is \$116.00. Lunch will not be provided. **A government-issued Photo I.D. is required for taking the exam.**

Check our website for future class dates!