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FOR IMMEDIATE RELEASE  
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## Judge Throws Out Marquette's Ban On Smoking In Restaurants

- ① MARQUETTE, Mich. — Six restaurant owners and the Michigan Restaurant Association (MRA) today won a lawsuit against the City of Marquette's ban on smoking in restaurants.
- ② Marquette Circuit Judge John R. Weber struck down the ordinance, ruling that Marquette "has no power to regulate smoking in food service establishments." Weber held that only state law — not local ordinances — can regulate smoking in Michigan restaurants.

"Michigan restaurant owners are concerned about the public health of our customers, and that's why we support the existing state law — part of the Public Health Code — that regulates smoking in restaurants," said MRA Executive Director Rob Gifford. "Our position was that local units of government can't overstep state law, and the judge strongly agreed."

- ③ The ordinance in question was amended by the City of Marquette in 1997 to ban smoking in all city restaurants effective Jan. 1, 1999. The Michigan Restaurant Association and six of its restaurants filed suit against the city in December 1998.

Restaurants are required by the state's Public Health Code (Section 333.12905 (2)) to reserve a percentage of their seating space for non-smokers. A restaurant with fewer than 50 seats must designate at least 25 percent of its seating for non-smokers. A restaurant with more than 50 seats must designate at least half of its seating capacity for non-smokers.

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