

Regular Session, 2012

SENATE BILL NO. 113

BY SENATOR MILLS

ENVIRONMENTAL HEALTH. Repeals the prohibition of smoking discrimination in the workplace. (gov sig)

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AN ACT

To repeal R.S. 23:966, relative to smoking tobacco products; to repeal the prohibition of smoking discrimination in the workplace; to repeal the prohibition of discrimination in employment because the individual is a smoker or nonsmoker; to repeal the prohibition that an employer may require, as a condition of employment, that the individual abstain from smoking outside the course of employment; to provide for legislative intent; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:966 is hereby repealed.

Section 2. The legislature finds all of the following:

A. Employers should be free from unreasonable governmental restrictions as it relates to employment policies.

B. Employees have a right to lead long and healthy lives and employers should be afforded the opportunity to support these rights.

C. Escalating health care costs have placed a burden on employees and employers.

D. Employers should be allowed the right to develop workforce policies

1 which may lead to improved health and increased productivity of employees and
2 which would result in health care cost savings for both the employer and the
3 employees.

4 E. This Act may be referred to as the "Louisiana Workforce Health
5 Improvement Act".

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Present law provides that as long as an individual, during the course of employment, complies with any applicable law and any adopted workplace policy regulating tobacco smoking, it shall be unlawful for an employer to do any of the following:

- A. To discriminate against the individual with respect to discharge, compensation, promotion, any personnel action or other condition, or privilege of employment because the individual is a tobacco smoker or nonsmoker.
- B. To require, as a condition of employment, that the individual abstain from smoking or otherwise using tobacco products outside the course of employment.

Present law provides that an employer may formulate and adopt a policy regulating an employee's workplace use of a tobacco product and may take any action consistent therewith.

Present law provides an employer who violates this law shall be fined up to \$250 for the first offense and up to \$500 for any subsequent offense.

Proposed law repeals present law.

Proposed law further provides for the Act to be referred to as the "Louisiana Workforce Health Improvement Act".

Effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Repeals R.S. 23:966)