

Regular Session, 2014

SENATE BILL NO. 492

BY SENATOR HEITMEIER

ENVIRONMENTAL HEALTH. Provides for smoking and tobacco products. (8/1/14)

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AN ACT

To enact R.S. 23:966(E) and (F), relative to smoking and tobacco products; to provide for exceptions to the prohibition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:966(E) and (F) are hereby enacted to read as follows:

§966. Prohibition of smoking discrimination; **exceptions**

* * *

E. The provisions of this Section shall not apply to hospitals or their affiliates.

F.(1) Notwithstanding any law to the contrary, the provisions of Subsection E of this Section shall only apply to offers of employment made on or after August 1, 2014, or to any employment agreement that is created as a result of an offer of employment made on or after August 1, 2014, and nothing contained in this Section shall prevent an employer who meets the requirements of Subsection E of this Section from making employment decisions based on the use or nonuse of tobacco after August 1, 2014.

(2) Nothing in Subsection E of this Section or Paragraph (F)(1) of this

- 1 **Section shall be construed to disqualify any employee, who would otherwise**
2 **qualify, from receiving unemployment compensation.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Heitmeier (SB 492)

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

- (1) 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 smoker or nonsmoker.
- (2) 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 a smoker is limited to a person who smokes tobacco.

Present law provides nothing shall preclude an employer from formulating and adopting a policy regulating an employee's workplace use of a tobacco product or from taking any action consistent therewith.

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

Proposed law amends present law to include the provisions of present law shall not apply to hospitals or their affiliates.

Proposed law amends present law to include the provisions of proposed law shall apply only to offers of employment made on or after August 1, 2014, or to any employment agreement that is created as a result of an offer of employment made on or after August 1, 2014, and nothing contained in present law shall prevent an employer who meets the requirements of proposed law from making employment decisions based on the use or nonuse of tobacco after August 1, 2014.

Proposed law amends present law to include nothing in the proposed law shall be construed to disqualify any employee, who would otherwise qualify, from receiving unemployment compensation.

Effective August 1, 2014.

(Adds R.S. 23:966(E) and (F))