

# Legislator, lobbyist say smoking bill is about privacy rights

By Mark Bomster  
Evening Sun Staff

A delegate who represents the state's tobacco-growing region says he's simply addressing privacy rights with a bill that would make it illegal to discriminate against a worker who smokes away from the job.

"This is not a smoker's advocacy bill, a farming bill, a health bill," Del. George W. Owings 3rd, D-Calvert, told members of the House Environmental Matters Committee yesterday.

His measure drew support from a loose coalition of groups, including the industry-funded Tobacco Institute and the American Civil Liberties Union.

The bill would ban employers from discriminating against smok-

ers or non-smokers in hiring and firing. Under the measure, an employer couldn't require workers not to smoke or use tobacco outside the job.

The bill wouldn't affect non-smoking policies on the job.

Supporters argued that a growing tendency of employers to hire only non-smokers poses a threat to civil rights.

"This bill is about discrimination," said Bruce C. Bereano, lobbyist for the Tobacco Institute, who noted that Baltimore has a non-discrimination ordinance against smokers.

In Montgomery County, he said, only non-smokers are allowed to be firefighters. "In Montgomery County, discrimination exists," said Bereano. "Smokers need not apply. . . .

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— Bruce C. Bereano  
Tobacco Institute lobbyist



pertaining to lifestyle.

Rigid non-smoking policies are an invasion of workers' privacy, said Marty Rouse, president of the Maryland State and D.C. Professional Firefighters Association.

I don't think that should be allowed to exist in our society."

He warned that if such policies are allowed to continue, employers might discriminate against workers and job applicants on other matters

"I don't think it's fair that a person can be fired for doing a legal activity when in the confines of their own home," he said.

But several panel members were skeptical about extending the civil rights argument to smokers.

"Do you think that it's appropriate to make smoking a protected class when somebody can be refused employment for being too fat?" asked Del. Brian E. Frosh, D-Montgomery.

"It's really a privacy issue," responded Bereano. Restrictive employers are "trying to inject themselves into the privacy of your home."

Opponents of the bill argued that smokers cost employers more in medical expenses and cause complaints from non-smoking col-

leagues.

The non-discrimination bill was one of several measures concerning smoking that were heard by the committee yesterday. One measure would require non-smoking sections in restaurants that seat 50 or more.

Bereano repeated details of an agreement between the Tobacco Institute and the Restaurant Association of Maryland for a voluntary program to set up non-smoking areas in restaurants.

The Tobacco Institute will provide \$52,000 for the program, patterned after a Baltimore County program.

Other measures would ban smoking in all public places and in hospitals.

*The Associated Press contributed to this story.*