

# Smokers' rights passes

Employers couldn't discriminate against someone who smokes on his off-hours, under a bill sent to the governor.

By Bill Cotterell  
Democrat, Capitol Bureau

Responding to a strong push by the tobacco industry, the Senate overrode a committee decision Friday and gave final legislative approval to a bill forbidding job discrimination against smokers.

The bill (CS-HB 1753) prohibits employers from firing — or refusing to hire or promote — an employee or job applicant because they use a legal agricultural product at home on their own time.

Although no one mentioned it in debate, the bill's passage appeared to be a trade with the tobacco lobby for passage Thursday of a sweeping revision of the Clean Indoor Air Act. That bill (HB 19) forbids smoking in common areas of most public buildings, and requires — rather than allows — restaurants to have non-smoking seating.

The two ideas — anti-discrimination and clean-air legislation — were combined in one bill last year. Anti-smoking forces refused to accept the job-discrimination language then, insisting it be singled out this year so Gov. Lawton Chiles can veto one bill and sign the other, if he chooses to.

The smokers bill of rights would still allow smoke-free offices, stores and factories — and would also allow employers to charge higher insurance rates for employees who smoke, since they get sick and die more often than non-smokers.

Tobacco opponents warned that the measure would give the tobacco industry an opening to sue employers every time they fire or refuse to hire someone who smokes. "What this does is set up smokers as a protected group," complained Rep. John Grant, R-Tampa.

But Sen. Carrie Meeks, D-Miami,

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## SMOKE/

'This bill is about rights,' Meek says

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dismissed the criticism as "verbal dysentery. This bill is about rights. It's about privacy — and I've never puffed a cigarette in my life."

The Senate initially passed the bill, which was approved by the House last week, by a 29-7 vote. But opponents demanded reconsideration, pointing out that the Meeks-sponsored Senate version of the bill had been killed in committee last month.

Normally, the House and Senate do not consider bills that have been killed in committee.

Grant also claimed the measure was part of efforts by the tobacco industry to eventually open workplaces to smoking. "This bill has a lot more to it than if you can smoke at home in your bedroom," Grant said.

But after reconsidering the bill, the Senate voted 24-16 to send it to Chiles.

2C/Tallahassee Democrat/Sat., March 14, 1992

TIFL 0042404