

# STATELINE

THE TOBACCO INSTITUTE  
STATE ACTIVITIES DIVISION

SPECIAL  
REPORT

May 15, 1991

## STATE AND LOCAL

### ANTI-DISCRIMINATION AND DISCRIMINATORY EMPLOYMENT PROPOSALS

This Special Report compiles both discriminatory and anti-discriminatory employment legislation and policies that have been considered at the state and local levels. This report updates and replaces the Special Report of December 31, 1990.

So far this year, anti-discrimination legislation has been introduced in twenty-eight states. Locally, three "pro-smoker" ordinances have been considered; one was adopted, one was repealed and one is pending. As for bills that discriminate against smokers, no new legislation has been introduced this year on the state or local level. One local policy requiring police and firefighters to abstain from using tobacco products was announced.

#### Anti-Discrimination Employment Proposals

##### State Enactments

To date, anti-discrimination legislation has been enacted in 13 states:

Colorado  
Indiana  
Kentucky  
Mississippi  
New Mexico  
North Dakota  
Oklahoma

Oregon  
Rhode Island  
South Dakota  
South Carolina  
Tennessee  
Virginia

##### 1991 Legislation

So far this year, bills have been enacted in six states; **Indiana, Mississippi, New Mexico, North Dakota, Oklahoma and South Dakota**. Measures passed by state legislatures have been vetoed in Arkansas and Utah.

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Currently, anti-discrimination legislation is pending in 12 states. Down south in **Alabama**, smoking restriction bills H432 and S309 both contain provisions to prohibit discrimination in employment practices based on smoking preference. Both bills are pending in their house of origin. **Louisiana's** H499 and S110, which would prohibit discrimination based on an employee's use of tobacco products outside the workplace, are pending in their respective Labor & Industrial Relations Committee. **North Carolina** recently introduced S663 which would provide that "the laws regarding employment discrimination may be redefined as they relate to the privacy of the employee."

**Missouri** H111 and S168 would make it an unlawful employment practice to discriminate against a person because they are smokers or nonsmokers or to require that they abstain from using tobacco products outside the course of employment. S168 is awaiting action on the House floor. H111 remains in the House Children, Youth & Families Committee.

In New England, four states have bills pending that would prohibit employers from discrimination in hiring or terms of employment based on whether an employee is a smoker or nonsmoker. In **Connecticut**, H6938 is pending in the Joint Judiciary Committee and H7212 is pending in the Joint Committee on Labor & Public Employees. **Massachusetts** combined three bills into H3912, which also requires workplaces to provide smoking areas and comply with the ASHRAE ventilation standard. H3912 is awaiting House floor action. **New Hampshire** S171 is pending in the House Labor Committee. **Vermont** H305 has been approved by the House and is awaiting action in the Senate General Affairs Committee.

Since the last update of this report, **New Jersey** Governor Florio vetoed the legislature's anti-discrimination bill, S2232, on January 31, 1991. The Senate then passed a motion to override the Governor's veto in February. A compromise piece of legislation, A4699, was passed by the Assembly on April 15 and was reported by the Senate Labor Committee to the floor with minor amendments May 13.

In **New York**, A6624 and companion S1922-A would prohibit employers from "disadvantaging" individuals because of their use of cigarettes during non-working hours. The Assembly bill has been referred to Labor Committee; S1922-A is pending in the Senate Labor Committee.

Another **New York** bill, S4171, has been referred to the Senate Labor Committee. S4171 would prohibit discrimination based on an employee's engaging in legal activity during non-working hours. The bill exempts activity which "materially threatens an employer's legitimate conflict of interest policy reasonably designed to protect the employer's trade secrets, proprietary information or other proprietary interests; or is deemed by the employers to constitute inadequate or incompetent work experience." Governor Cuomo vetoed an anti-discrimination bill last year.

Illinois H1533, which would prohibit discrimination based on an employee's engaging in lawful activities on employer's premises during nonworking hours, was approved on the House floor and is now pending in the Senate Commerce & Labor Committee.

And in Texas, H2114, to prohibit discrimination because of "marital status or any other factor unrelated to employment," was introduced and referred to the House State Affairs Committee. H2178, which would amend the civil rights law to include prohibition of discrimination based on "any other factor unrelated to employment," is also awaiting action in the House State Affairs Committee. Companion S1318 is pending in the Senate State Affairs Committee.

Anti-discrimination legislation has been rejected in ten states so far this year: Arkansas, Florida, Georgia, Hawaii, Kansas, Maryland, Utah, Washington, West Virginia and Wyoming.

### Local Look

Last year, the Kansas City, MO, City Council approved an ordinance to protect employees from discrimination on the basis of employee's engaging in lawful activities outside of employment. The ordinance was considered "too broad" by some groups in the community and a referendum petition was initiated; however, the City Council chose not to act on the petition. In March 1991, the Council repealed the anti-discrimination provision from the law.

After many amendments, neighboring St. Louis, MO, City Council approved a smoking restriction ordinance in February 1991. Included in the new law is a provision to prohibit discrimination against an employee for smoking outside the place of employment.

The only anti-discrimination ordinance so far this year was recently introduced in Baltimore, MD. Bill Number 1321, in addition to restricting smoking in public places and workplaces, would protect both smokers and nonsmokers from hiring discrimination or retaliation by an employer. Due to the Council's summer recess, action is not likely until this fall.

### Discriminatory Employment Proposals

As mentioned, there have been no state or local introductions this year pertaining to discriminatory hiring practices. However, legislation is pending to repeal Oregon's 1989 anti-discrimination law. In Salem, VA, a new policy was announced that requires police and firefighters to stop using cigarettes, cigars, pipes, chewing tobacco and snuff both on and off the job. The policy goes into effect June 28, 1991.

The remainder of this report lists smoking-related employment policies and proposals by state. The chart indicates whether a policy was approved, defeated or is pending, the year of action where known, and to whom the policy applies.

Revised 5/15/91

**ANTI-DISCRIMINATION EMPLOYMENT PROPOSALS**

**ALABAMA**

- 1989 \* **DEFEATED** -- Would restrict smoking in workplaces with more than 20 employees and other public places -- Would require nonsmoking areas to be designated -- Would also prohibit "discrimination practiced by government or private employer in employment...based on whether a prospective or current employee is a smoker or nonsmoker"
- 1990 \* **DEFEATED** -- Would restrict smoking in workplaces with more than 20 employees and other public places -- Would require restaurants seating 50 or more to provide areas for smokers and nonsmokers -- Would prohibit discrimination in employment practices based on smoking preferences
- 1991 \* **Pending** -- H432, S309 -- Would restrict smoking in workplaces and public places -- Would prohibit discrimination based on employee's use of tobacco products outside employment

**ARKANSAS**

- 1989 **APPROVED** -- Resolution directs House Speaker to appoint citizen committee to study potential public smoking policy concerns in the state, including smoker/nonsmoker discrimination
- 1989 **DEFEATED** -- Would prohibit discrimination based on employee's smoking or nonsmoking preference -- Would provide for legal or equitable relief to employee who is discriminated against
- 1991 **VETOED** -- Would prohibit discrimination in hiring, firing or conditions of employment because worker is a smoker or nonsmoker -- Would prohibit requiring employees to abstain from smoking or using tobacco during nonworking hours

**CALIFORNIA**

- 1989 **VETOED** -- Would amend state Fair Employment and Housing Act to make it an unlawful practice to discriminate against an employee or applicant "because of the person's assertion of the right to smoke or the right to a smoke-free workplace"

**COLORADO**

- 1990 **APPROVED** -- Prohibits employers from terminating employment due to worker's engaging in any lawful activity off the premises of the employer during nonworking hours unless restriction is a bona fide occupational requirement, would cause conflict of interest, or is related to employment activities and responsibilities

\* Smoking restriction bills which also protect smokers against employment discrimination

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## CONNECTICUT

1991 Pending -- H6938, H7212 -- Would prohibit employers from requiring workers to refrain from smoking outside course of employment

## DELAWARE

1989 \* **APPROVED** -- Executive Order requires state government agency heads to restrict smoking -- Prohibits smoking in common-use areas; allows smoking areas to be designated in cafeterias and employee lounges; state government vehicles to be designated smoking or nonsmoking in proportion to employee preference but, if used to transport clients or general public, must be designated nonsmoking -- Also requires phasing-out of sale of tobacco products on state property by 1/1/90 -- Prohibits discrimination against state employees or applicants as a result of smoking habits, so long as they comply with smoking restrictions

1990 \* **DEFEATED** (Carryover from 1989) -- Would restrict smoking in public office buildings owned/leased by state; person in charge would be responsible for designating smoking areas -- Would also prohibit hiring discrimination based on employee's smoking or nonsmoking preference -- Would preempt regulations by all government subdivisions, boards and commissions that are more stringent than state law

1990 **DEFEATED** (Carryover from 1989) -- Would prohibit an employer from failing or refusing to hire or to discharge an employee based on an individual's use of tobacco products

## DISTRICT OF COLUMBIA

1990 **DEFEATED** -- Proposed amendment to smoking restriction and sampling limitation ordinance would have prohibited discrimination based on whether employee is a smoker or nonsmoker

## FLORIDA

1990 \* **VETOED** -- Would increase current smoking restrictions in health care facilities, day care centers and common areas of hotels -- Would require smoking areas to be designated in airports, sporting facilities, lobbies of public buildings and movie theaters -- Would require restaurants to designate 35% of seating as nonsmoking -- Would prohibit basing personnel action involving firing or promotion on use of tobacco products

1991 **DEFEATED** -- Would prohibit discrimination against employees for engagement in lawful activities off work premises in non-working hours, unless restriction is bona fide occupational qualification reasonably necessary for performance of particular employment

## GEORGIA

1991 \* **CARRYOVER** to 1992 -- H728, S251, H925, S256 -- Would restrict smoking in state and local government offices and public places -- Would prohibit discrimination in employment based on use or nonuse of legal, non-alcoholic agricultural products outside place of employment -- Would preempt local laws

## HAWAII

1991 **CARRYOVER** to 1992 -- H2058, S1916 -- Would prohibit discrimination in hiring, discharge or terms of employment based on employee's lawful activities off the work premises during nonworking hours

## ILLINOIS

1990 **DEFEATED** (Carryover from 1989) -- Would require designation of smoking and nonsmoking areas in workplaces and places designed to accommodate more than 10 members of the public at a time -- Would prohibit discrimination in employment on the grounds that an individual is a smoker -- Would preempt all local regulation of smoking

1991 **Pending** -- H1533 -- Would prohibit discrimination based on employee's engaging in lawful activities off employer's premises during nonworking hours

## INDIANA

1991 **APPROVED** -- Prohibits employers from requiring workers to refrain from using tobacco products outside course of employment -- Exempts religious groups

## KANSAS

1991 **DEFEATED** -- Would prohibit discrimination based on employee's engaging in lawful activities off employer's premises during nonworking hours

## KENTUCKY

1990 **APPROVED** -- Provides for fair and equal treatment of employees who smoke -- Forbids bias in hiring and promotions -- Prohibits sale of tobacco products to minors under age 16

## LOUISIANA

1990 **DEFEATED** -- Would prohibit employment discrimination based on whether worker is a smoker or nonsmoker -- Would prohibit off-the-job smoking bans

1991 **Pending** -- H499, S110 -- Would prohibit discrimination based on employee's smoking or use of tobacco products outside course of employment

## MARYLAND

1989 **DEFEATED** -- Would make it unlawful employment practice to discriminate against individuals because of smoking/nonsmoking preferences -- Would prohibit requiring an employee to abstain from use of tobacco products outside the course of employment, so long as the employee complies with applicable laws or workplace smoking policy -- Would allow aggrieved employee or applicant to seek injunctive or other relief, including monetary damages.

1990 **DEFEATED** -- Would prohibit discrimination in conditions of employment based on smoking preferences so long as person complies with applicable law or workplace smoking policy during working hours -- Would prohibit requiring employees to abstain from use of tobacco products during nonworking hours

1991 **DEFEATED** -- Would prohibit discrimination based on employee's lawful activities outside work premises in nonworking hours

**APPROVED**  
1989 \* Baltimore City Government  
Employees

**DEFEATED**  
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### **MASSACHUSETTS**

1991 \* **Pending** -- H3912 -- Would restrict smoking in workplace -- Would prohibit discrimination based on off-the-job use of tobacco products

**APPROVED**  
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**DEFEATED**  
1990 Boston -- Workplaces

### **MISSISSIPPI**

1989 **DEFEATED** -- Resolution would urge public agencies of the state to comply with workplace laws and policies and to treat employees fairly and reasonably with respect to physical disabilities or non-work related activities

1991 **APPROVED** -- Prohibits requiring employees as a condition of employment to abstain from smoking or using tobacco products in nonworking hours -- Also specifies procedures for drug and alcohol testing of employees

### **MISSOURI**

1989 **DEFEATED** -- Would prohibit discrimination in employment based on employee smoking preference -- Would prohibit rules requiring employee or applicant to abstain from use of tobacco products outside the course of employment, as long as person complies with laws or workplace smoking policy

1990 **DEFEATED** -- Would amend current law relating to unlawful employment practices to prohibit discrimination based on smoking preferences, or to require that employees abstain from using tobacco products outside the course of employment, so long as employees comply with applicable laws or workplace policy in the course of employment

1991 **Pending** -- H111, S168 -- Would make it an unlawful employment practice to discriminate against persons based on whether they are smokers or nonsmokers, or to require that employees abstain from using tobacco products outside course of employment

**APPROVED**  
1991 \* St. Louis -- City employees

**DEFEATED**  
1991 Kansas City -- Workplaces  
(repealed)

### NEW HAMPSHIRE

- 1991 **Pending** -- S171 -- Would prohibit discrimination in hiring, termination, compensation, terms, conditions or privileges of employment based on whether worker is a smoker or nonsmoker -- Would prohibit employer from requiring employee to abstain from smoking outside course of employment

### NEW JERSEY

- 1990 **VETOED** -- Would prohibit employers from discriminating against individuals with respect to conditions of employment because of smoking preferences -- Would prohibit employers from requiring an employee to abstain from tobacco use off-the-job, so long as the employee complies with applicable laws or workplace policies on tobacco use
- 1991 **Pending** -- A4699 -- Would prohibit discrimination against an employee because that person smokes or uses tobacco products, "unless the employer has a rational basis for doing so which is reasonably related to the employment, including the responsibilities of the employee or prospective employee."

### NEW MEXICO

- 1991 **APPROVED** -- Prohibits discrimination in hiring, discharge or terms of employment based on individual's being a smoker or nonsmoker -- Prohibits employers from requiring that workers abstain from use of tobacco products during nonworking hours

### NEW YORK

- 1990 **DEFEATED** (Carryover from 1989) -- Would make it an unlawful discriminatory act for an employer to discriminate against an employee because of his "practice of smoking tobacco, during those hours when such individual is not engaged in employment"
- 1990 **VETOED** -- Would make it illegal to discriminate against a person because he or she engages in legal activities during non-working hours
- 1991 **Pending** -- A6624, S1922, S4171 -- Would prohibit employers from "disadvantaging" individuals because of their use of cigarettes during non-working hours

### NORTH CAROLINA

- 1991 **Pending** -- S663 -- Would provide that "the laws regarding employment discrimination may be redefined as they relate to the privacy of the employee."

### NORTH DAKOTA

- 1991 **APPROVED** -- Amends state's discrimination codes to include prohibition on discrimination based on participation in lawful activity off the employer's premises during nonworking hours, unless activity is contrary to a bona fide occupational qualification that reasonably and rationally relates to employment and responsibilities

## **OKLAHOMA**

- 1990 **DEFEATED** -- Would prohibit discrimination in employment based on whether individual is a smoker or nonsmoker as long as the person complies with applicable laws or any workplace smoking policy
- 1991 **APPROVED** -- Prohibits discrimination against employees based on use or nonuse of tobacco products off-the-job -- Prohibits requiring employees to abstain from using tobacco products during nonworking hours

## **OREGON**

- 1987 **DEFEATED** -- Would prohibit employer testing of employees for tobacco use
- 1989 **DEFEATED** -- Would prohibit employer testing of employees for tobacco use
- 1989 **APPROVED** -- Bans the use of genetic screening or brainwave testing as a condition of employment -- Also prohibits employers from requiring employees to refrain from smoking off-the-job except when restriction relates to a bona fide occupation requirement or if prohibited by collective bargaining agreement

## **PENNSYLVANIA**

- 1990 **DEFEATED** -- Would amend existing anti-discrimination laws to prohibit discrimination with respect to hiring, firing, compensation or other terms of employment because individual uses or does not use tobacco products -- Would prohibit employers from requiring employees to abstain from smoking off-the-job so long as person complies with applicable law or workplace smoking policy

## **RHODE ISLAND**

- 1990 **APPROVED** -- Prohibits discrimination against smokers in hiring and employment practices

## **SOUTH CAROLINA**

- 1990 **APPROVED** (Carryover from 1989) -- Requires designation of smoking and nonsmoking areas in government buildings and certain public places -- Prohibits employers from testing for tobacco use as a job requirement -- Preempts local smoking restrictions
- 1990 **APPROVED** -- Prohibits personnel action including termination, demotion or promotion based on employee's use of tobacco products

## **SOUTH DAKOTA**

- 1991 **APPROVED** -- Prohibits terminating an employee due to the employee's engaging in use of tobacco products off work premises during nonworking hours, unless restriction is a bona fide occupational requirement or necessary to avoid conflict of interest -- Exempts full-time firefighters -- Allows employers to offer health or life insurance policies which make distinctions in coverage or cost based on employee's use of tobacco products

**TENNESSEE**

1990 **APPROVED** -- Prohibits an employee from being fired because of refusal to participate in, or remain silent about illegal activities -- Protects smokers from employment termination for lawful use of a non-alcoholic "agricultural product" as long as employee complies with applicable employer policies regarding use during working hours

**APPROVED**

**DEFEATED**

1989 Knoxville Overturned off-duty smoking ban of police and firefighters

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**TEXAS**

1991 **Pending** -- H2214, H2178, S1318 -- Would prohibit discrimination because of any other factor unrelated to employment

**UTAH**

1990 **DEFEATED** -- Would replace existing anti-retaliation provision in workplace smoking law with prohibition on discrimination against any employee "for asserting the right to work in a smoke-free environment or to use legal tobacco products outside the course of employment, as long as employee complies with applicable laws or workplace smoking policy" -- Would exempt religious institutions

1991 **VETOED** -- Would prohibit discrimination in terms of employment based on use of lawful products off premises during nonworking hours, unless restriction is based on bona fide occupational requirement

**VERMONT**

1990 **DEFEATED** -- Would prohibit discrimination in hiring or employment based on smoking preferences -- Would prohibit requiring employee to abstain from smoking or using tobacco products outside course of employment so long as employee complies with applicable law or workplace smoking policy during course of employment -- Would amend current workplace smoking law to allow smoking areas to be designated where smoking will "not be a physical irritation to any nonsmoking employee," based on majority (instead of two-thirds) vote by employees in workplace

1991 **Pending** -- H305 -- Would prohibit discrimination in hiring or terms of employment based on whether employee is a smoker or nonsmoker -- Would prohibit employers from requiring workers to abstain from tobacco use outside course of employment

TIOK 0024667

**VIRGINIA**

- 1989 **APPROVED** -- Prohibits governments from requiring an applicant or employee "to abstain from smoking or using tobacco products outside the course of his employment." -- Exempts firefighters and police officers
- 1990 **DEFEATED** -- Would prohibit discrimination in conditions of employment based on smoking preferences -- Would prohibit imposition of ban on smoking during nonworking hours except where restriction relates to a bona fide occupational requirement or where a collective bargaining agreement prohibits off-duty use of tobacco products -- Would provide for aggrieved person to bring action in circuit court seeking compensatory and punitive damages, as well as other injunctive relief

**WASHINGTON**

- 1987 **DEFEATED** -- Would make it an unfair labor practice to terminate employment for personal habits of employee that bear no reasonable relationship to performance of duties
- 1990 \* **DEFEATED** -- (Carryover from 1989) - Would restrict smoking in state office buildings -- Would also provide that smokers not be discriminated against in hiring and prohibits retaliation against any employee exercising rights under this act
- 1990 **DEFEATED** -- As introduced, would make it an unfair employment practice to discriminate against employees on the grounds that they use tobacco products during nonworking hours
- 1991 **DEFEATED** -- Would prohibit requiring as a condition of hiring, promotion or continued employment that worker refrain from using tobacco products during nonworking hours outside place of employment -- Would exempt religious organizations

**WEST VIRGINIA**

- 1990 \* **APPROVED** -- Personnel policy restricts smoking in state government offices and buildings -- Allows designated smoking areas under certain conditions -- Does not permit agencies to discriminate against smokers who apply for positions and provides that "to prohibit lawful behavior and the use of lawful tobacco products outside the site of the workplace may be a violation of an individual's right to privacy."
- 1991 **DEFEATED** -- Would prohibit discharge or termination of a public employee solely for using tobacco products off the job

**WISCONSIN**

- APPROVED**
- 1989 Marshfield Rescinded-  
Police
- Firefighters **DEFEATED**  
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**WYOMING**

1991 **DEFEATED** -- Would prohibit discrimination in employment based on workers engaging in lawful activities off the employer's premises in non-working hours

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**DISCRIMINATORY EMPLOYMENT PROPOSALS**

**ARIZONA**

**APPROVED**

? Phoenix Firefighters

**DEFEATED**

- - -

**CALIFORNIA**

1985 **DEFEATED** - Would allow employers to require tests and examine prospective employees regarding legal activities only if information is reasonable and relevant to employment

**APPROVED**

1983 San Mateo Firefighters  
1984 Manteca Firefighters  
Police  
1985 Downey Firefighters  
1985 Monrovia Firefighters  
1985 Orange Police  
1986 Brea Firefighters  
1986 Kern Co. Firefighters  
1986 Laguna Beach Firefighters  
Police  
1986 S. Pasadena City jobs  
preference for  
nonsmokers  
1987 Montebello Firefighters  
1987 Watsonville Firefighters  
1988 Ventura Co. Sheriff's  
deputies,  
sergeants,  
and district  
attorney

**DEFEATED**

1985 Eureka Firefighters  
1988 Sunnyvale City  
government  
1988 Contra Costa Firefighters;  
County Sheriffs

**COLORADO**

**APPROVED**

1986 Bancroft Firefighters  
District  
1988 Denver Firefighters  
1988 Boulder Co. Sheriff's Dept.  
1989 Denver Police

**DEFEATED**

1986 Greeley  
Firefighters

TIOK 0024670

**CONNECTICUT**

- 1989 **DEFEATED** - Would authorize local governments to require public safety employees to meet certain minimum physical standards in order to maintain eligibility for special heart and hypertension benefits (standards include nonsmoking)
- 1989 **DEFEATED** - Would authorize local governments to require police officers and firefighters to meet certain minimum physical standards in order to maintain eligibility for special heart and hypertension benefits (standards include nonsmoking)
- 1989 **DEFEATED** - Would require newly-hired police officers and firefighters to be nonsmokers as permanent condition of employment

**APPROVED**

- ? Branford Firefighters  
? Glastonbury Police  
? Manchester Police  
? Middletown Firefighters  
Police  
? New Britain Police  
? Vernon Police  
? West Haven Police  
? Westport Firefighters  
Police

**DEFEATED**

- 1984 Meriden Firefighters

**FLORIDA**

- 1985 **DEFEATED** - 2 bills - Would presume that death or disability in firefighters due to cancer would have been contracted in line of duty unless evidence showed contrary. Second bill stated law enforcement officers might be ineligible for insurance benefits for heart disease as a work-related disability if shown to have risk factors predisposing individual to heart disease
- 1988 **DEFEATED** - Would require new firefighters to certify under oath that they have not used tobacco products for at least one year prior to employment
- 1989 **APPROVED** - Would require firefighters to be nonusers of tobacco products for at least one year prior to application

**APPROVED**

- 1985 Tallahassee Police  
1987 Hialeah Firefighters  
1990 N. Miami City employees  
1990 Kissimmee Police

**DEFEATED**

- 1983 Tampa Firefighters  
1984 Hialeah Police  
Gardens  
1985 Palm Beach Co Firefighters  
1986 Clearwater Firefighters

**GEORGIA**

**APPROVED**

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**DEFEATED**

1988 Marietta Board of  
Education  
employees

**ILLINOIS**

**APPROVED**

? Skokie Firefighters  
Police

**DEFEATED**

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**IOWA**

**APPROVED**

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**DEFEATED**

1983 Iowa City Firefighters  
Police  
1988 Clinton City  
employees

**KANSAS**

1989-90 **DEFEATED** -- Would amend police and firemen's retirement system to provide that disability benefits would not be allowed for "any death or disability caused, in whole or in part, by the member's use of tobacco or tobacco products or alcohol or illegal use of any drug or drugs"

**APPROVED**

1984 Wichita Firefighters  
1986 Lawrence Firefighters  
1987 Douglas Co. Employees hired by  
sheriff's dept. and  
ambulance service

**DEFEATED**

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**MAINE**

1985 **DEFEATED** - Would create presumption that firefighters suffering from cancer contracted it in line of duty and are eligible for workers' compensation unless disease was "occasioned by the willful intention of the employee to injure himself or another"

**APPROVED**

1983 Rockland Firefighters  
1985 Brunswick Firefighters

**DEFEATED**

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**MARYLAND**

**APPROVED**

1988 Montgomery Co Firefighters and  
rescue workers

**DEFEATED**

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**MASSACHUSETTS**

1986 **DEFEATED** - Would prohibit hiring of smokers as firefighters, police officers  
or other public safety personnel  
1987 **APPROVED** - Requires all public safety personnel hired after 1/1/88 to be  
nonsmokers

**APPROVED**

1985 Holden Police

**DEFEATED**

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**MINNESOTA**

**APPROVED**

1987 Duluth Firefighters

**DEFEATED**

1986 Hennepin Co. County  
employees

**NORTH DAKOTA**

1986 **APPROVED** - Department of Health hiring policy giving preference to  
nonsmokers for department jobs

**APPROVED**

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**DEFEATED**

1986 Bismarck City hiring  
preference  
to  
nonsmokers

**OHIO**

**APPROVED**

1983 Shaker Firefighters  
Heights  
1984 Lakewood Firefighters  
Police

**DEFEATED**

1984 Streetsboro Police  
1986 Bowling Green City  
employees

**OKLAHOMA**

**APPROVED**

1984 Oklahoma City First-year  
Firefighters  
1985 Tulsa Firefighters

**DEFEATED**

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**OREGON**

**APPROVED**

1983 Salem Firefighters  
1986 Portland Firefighters  
1987 Corvalis Police

**DEFEATED**

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**PENNSYLVANIA**

**APPROVED**

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**DEFEATED**

1988 Chambersburg Firefighters  
Police

**RHODE ISLAND**

**APPROVED**

1986 Narragansett Firefighters

**DEFEATED**

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**SOUTH DAKOTA**

**APPROVED**

1985 Aberdeen Firefighters

**DEFEATED**

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**TENNESSEE**

**APPROVED**

1988 Bartlett City employees  
1989 Knoxville Approved, but  
later overturned-  
Police  
Firefighters

**DEFEATED**

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**VIRGINIA**

**APPROVED**

1977 Alexandria Police  
1980 Alexandria Firefighters  
1984 Fairfax Co. Firefighters  
Police and Sheriff's  
Deputies  
1985 Virginia Firefighters  
Beach Police  
1990 Hampton Firefighters  
1991 Salem Police  
Firefighters

**DEFEATED**

1988 Newport News Firefighters  
Police

**WASHINGTON**

**APPROVED**

1988 Walla Walla Preference to  
nonsmokers for  
city employment

**DEFEATED**

- - -

**WISCONSIN**

**APPROVED**

1985 Janesville Firefighters  
1987 Brookfield Firefighters  
1988 Waukesha Firefighters  
1989 Marshfield Approved, but  
later rescinded -  
Police  
Firefighters

**DEFEATED**

1986 Fitchburg Firefighters  
Police  
1987 Orfordville Future city  
employees-  
excluded  
board  
members

# # #