

STATE PROFILE
OF
EMPLOYMENT DISCRIMINATION

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ARIZONA

State law prohibits discrimination by state government employers against employees or other persons "on the basis of the use or nonuse of tobacco products." [1991. Chapter 284. Section 36-601.02.]

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CONNECTICUT

State prohibits employers from requiring as a condition of employment that employee or prospective employee refrain from smoking or using tobacco products outside course of employment, or otherwise discriminating against an individual with respect to compensation, terms, conditions or privileges of employment for smoking or using tobacco products outside course of employment. Exempts nonprofit organization or corporation whose primary purpose is to discourage use of tobacco by the general public. Also exempts municipal hiring practices or collective bargaining agreements involving paid firefighters and paid police officers. [1991, Public Act No. 91-271. New Section.]

DELAWARE

Governor's Executive Order restricts smoking in state-owned or operated facilities but provides that executive branch employees may not be discriminated against as a result of smoking habits. [1989, Executive Order, Governor Michael N. Castle.]

LOUISIANA

State law prohibits discrimination with respect to discharge, compensation, promotion, any personnel action or other condition, or privilege of employment because an individual is a smoker or nonsmoker, so long as the employee complies with applicable law or any adopted workplace policy regulating smoking. Prohibits requiring, as a condition of employment that an individual abstain from smoking or using tobacco products outside course of employment. [R.S. 23:966. 1991, Act 762, effective 9/6/91.]

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MAINE

State law prohibits employers from requiring as a condition of employment that an employee or prospective employee refrain from using tobacco products outside the course of employment, or otherwise discriminating with respect to compensation, terms, conditions or privileges of employment for using tobacco products outside the course of employment, so long as the employee complies with any workplace policy concerning use of tobacco. [1991, Chapter 366. Title 26, Section 597.]

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NEW HAMPSHIRE

Effective 1/1/92, state law prohibits employers from requiring as a condition of employment that employees or applicants abstain from using tobacco products outside course of employment, so long as they comply with any workplace policy. [1991, Chapter 274. RSA 275:37-a.]

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NEVADA

State law prohibits discrimination in hiring, discharge or conditions of employment because an individual "engages in the lawful use in this state of any product outside the premises of the employer during his nonworking hours, if that use does not adversely affect his ability to perform his job or the safety of other employees." [1991, Chapter 359. New section in Chapter 613 of NRS.]

State law requires designation of smoking areas in buildings or offices occupied by state or local governments or University of Nevada System (other than school district buildings) and in restaurants with seating for 50 or more persons. Although county boards of health are charged with enforcing state smoking laws, local governments may not impose more stringent restrictions on smoking of tobacco. [1989, Senate Bill 25; 1991, Chapter 248 and Chapter 259. NRS 202.249 and 202.2491.]

RHODE ISLAND

State law prohibits employers from requiring as a condition of employment that an employee or prospective employee refrain from smoking or using tobacco products outside course of employment, or otherwise discriminating against employee with respect to compensation, terms, conditions, or privileges of employment for smoking or using tobacco products outside course of employment. Exempts any non-profit organization which as one of its primary purposes or objectives discourages use of tobacco products by general public. [1990, House Bill 8768. Section 23-20.7.1-1.]