

JAN 28 2015

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# A BILL FOR AN ACT

RELATING TO LABOR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the people of Hawaii  
2 have a basic right to enjoy legal activities on their free time  
3 without facing intimidation and coercive acts by their employer.

4           The legislature further finds that since 1987, thirty  
5 states and the District of Columbia have passed labor laws  
6 forbidding persons who happen to use tobacco to be denied  
7 employment or fired simply because they were unable to quit  
8 smoking on demand. The legislature also finds that this form of  
9 intolerance toward employees that use tobacco not only  
10 economically harms the dependent loved ones of the discriminated  
11 individual who is denied employment, but also violates a  
12 person's right to privacy outside of working hours.

13           SECTION 2. Chapter 378, part I, Hawaii Revised Statutes,  
14 is amended by adding a new section to be appropriately  
15 designated and to read as follows:

16           "§378- Discriminatory practices; tobacco usage outside  
17 of the workplace. It shall be an unlawful discriminatory



# S.B. NO. 1005

1 practice for any employer to refuse to hire or employ, or to bar  
 2 or discharge from employment any individual for the smoking or  
 3 usage of tobacco products outside the course of employment, or  
 4 otherwise discriminate against any individual with respect to  
 5 compensation, terms, conditions, or privileges of employment for  
 6 the smoking or usage of tobacco products outside the course of  
 7 employment; provided that this section shall not apply to any  
 8 nonprofit organization or corporation having the primary purpose  
 9 of discouraging the use of tobacco products by the general  
 10 public."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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 SC. Sen. Joe  
*[Handwritten signature]*  
 Clarence W. ...  
 Will ...

# S.B. NO. 1005

**Report Title:**

Employment Discrimination; Usage of Tobacco Products

**Description:**

Prohibits an employer from discriminating against an employee or prospective employee for smoking or using tobacco products outside the course of employment. Exempts nonprofits whose primary purpose is to discourage the public's use of tobacco products.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

