



## Bill Suggests Snuffing Out Employees Who Smoke

News

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Tim Scott, a partner in the New Orleans office, was interviewed in the March 22 *New Orleans City Business* article "Bill Suggests Snuffing Out Employees Who Smoke." The article reported on a proposed Louisiana bill that would allow employers not to hire or even fire smokers. Proponents of the bill say it will be an incentive for people to stop smoking and help ease the financial burden on employers who might have to pay for the medical care of employees who smoke. But the controversial bill could create some discrimination issues. Tim said employers have to be careful how they weed out suspected smokers. Under the Americans with Disabilities Act, employers are prohibited from asking potential employees about their medical histories, which can include smoking. Allowing discrimination against people who engage in other risky activities, such as alcohol consumption or over-eating, would not be legal unless it can be proven that those activities interfere with their productivity. Smoking does not limit physical or mental abilities unless one suffers from cancer, emphysema or other tobacco-related illnesses.

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