

Exempted nonprofit corporations are those whose stated mission includes at least one of the following: tobacco use prevention, smoking cessation, support for smoke-free environments, education regarding health consequences of tobacco use or addictive properties of nicotine and the prevention, treatment of cure illnesses related to tobacco use.

The provisions of the bill would affect employees hired on or after July 1, 2015

FISCAL IMPLICATIONS

Because potential changes to state health care hiring practices resulting from enactment of SB 243 are not known, the fiscal impact of this legislation is unquantifiable.

According to federal estimates, an employee who smokes costs, on average, \$3,391 more than a non-smoker per year due to increased health care costs and lost productivity.

SIGNIFICANT ISSUES

The Regulation and Licensing Department noted in a prior-year analysis of similar legislation:

There is a fundamental constitutional issue at play because there is a lack of a rational purpose for the adoption of such a bill that would pass constitutional muster. That is, there is no stated reason to deprive a prospective employee of an opportunity to work in a licensed trade occupation or profession because of smoking cigarettes, nicotine or otherwise, in a non-work environment

The MB notes:

As written, SB 243 may be too broad. A health care practitioner that is licensed under the Medical Practice Act, but is employed in a telemedicine manner, could be discharged under the auspices of this bill despite the fact that he or she does not see patients physically or even enter a physical workplace where patients may be present.

CJ/je