



Ohio Legislative Service Commission

Bill Analysis

Julie A. Rishel

H.B. 470

128th General Assembly
(As Introduced)

Reps. Dyer, Okey, Domenick, Pryor, Hagan

BILL SUMMARY

- Prohibits any employer from discriminating against any person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, on the basis that the person smokes tobacco.
- Expressly does not prohibit an employer from adopting and enforcing rules that prohibit employees from smoking tobacco, or smelling like tobacco smoke, during the hours of employment.
- Subjects an employer to fines for violating the bill's prohibitions.
- Allows a person discriminated against as a result of a violation of the bill to sue to recover damages and costs and to obtain injunctive relief or other appropriate relief.
- Requires the Director of Commerce to administer and administratively enforce the bill.

CONTENT AND OPERATION

Prohibition against employment discrimination on the basis of smoking

The bill prohibits any employer from discharging without just cause, refusing to hire, or otherwise discriminating against any person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, on the basis that the person smokes tobacco. Whoever violates this prohibition must be fined \$25,000 for the first offense, \$50,000 for the second offense, and \$100,000 for each subsequent offense. However, the bill does not prohibit an employer from adopting and enforcing rules that prohibit employees from smoking tobacco, or smelling like tobacco smoke, during the hours of employment. Continuing

law prohibits a proprietor of a place of employment from allowing smoking within the place of employment.¹

Under the bill, any person discriminated against as a result of a violation of the bill's prohibition may sue in any court of competent jurisdiction to recover damages and costs, including attorney's fees, and to obtain injunctive relief or other appropriate relief. The person must initiate the action within one year after the date of violation.

The Director of Commerce must administer and administratively enforce the bill and may adopt rules in accordance with the Administrative Procedure Act for those purposes.²

HISTORY

ACTION	DATE
Introduced	03-23-10

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¹ R.C. 4113.25 and R.C. 3749.02, not in the bill.

² R.C. 4113.25.

