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# Workplaces ban not only smoking, but smokers themselves

By Wendy Koch, USA TODAY Updated 16h 22m ago

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## Working and smoking

Twenty-nine states and the District of Columbia have laws that protect smokers' rights (in blue).

Source: American Lung Association

More job-seekers are facing an added requirement: no smoking — at work or anytime.



2009 photo by Spencer Platt, Getty Images

As bans on smoking sweep the [USA](#), an increasing number of employers — primarily hospitals — are also imposing bans on smokers. They won't hire applicants whose urine tests positive for nicotine use, whether cigarettes, smokeless tobacco or even patches.

Such tobacco-free hiring policies, designed to promote health and reduce insurance premiums, took effect this month at the Baylor Health Care System in Texas and will apply at the Hollywood Casino in Toledo, Ohio, when it opens this year.

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"We have to walk the walk if we talk the talk," says Dave Fotsch of Idaho's Central District Health Department, which voted last month to stop hiring smokers.

Each year, smoking or exposure to secondhand smoke causes 443,000 premature deaths and costs the nation \$193 billion in health bills and lost productivity, according to the Centers for Disease Control and Prevention. The [CDC](#) says 19.3% of [U.S.](#) adults smoked last year, down from 42.4% in 1965.

"We're trying to promote a complete culture of wellness," says Marcy Marshall of the Geisinger Health System in Danville, Pa., which begins its nicotine-free hiring next month. "We're not denying smokers their right to tobacco products. We're just choosing not to hire them."

The policies stir outrage, even in the public health community.

"These policies represent employment discrimination. It's a very dangerous precedent," says Michael Siegel, a professor at Boston University's School of Public Health. He says the restrictions punish smokers rather than helping them quit.

"What's next? Are you not going to hire overly-caffeinated people?" asks Nate Shelman, a smoker and Boise's KBOI radio talk show host whose listeners debated the topic last month. "I'm tired of people seeing smokers as an easy piñata."

After several companies, including [Alaska Airlines](#), adopted smoker-hiring bans a couple of decades ago, the tobacco industry and the [American Civil Liberties Union](#) lobbied for smoker rights. As a result, 29 states and the [District of Columbia](#) passed smoker-protection laws.

Some laws exempt non-profit groups and the health care industry, and 21 states have no rules against nicotine-free hiring.

Federal laws allow nicotine-free hiring because they don't recognize smokers as a protected class, says Chris Kuzynski with the U.S. Equal Employment Opportunity Commission.

There's no data on how many U.S. businesses won't hire smokers, but the trend appears strongest with hospitals, says Lewis Maltby, president of the National Workrights Institute, a non-profit offshoot of the [ACLU](#) that opposes the hiring bans.

Many of the new policies expand on smoke-free workplace rules. At Bon Secours Virginia Health System, more than 300 employees have kicked the habit since its campuses went smoke-free in 2009, and one applicant did so since it began nicotine-free hiring Nov. 30, says administrative director Kim Coleman.

The bottom line will benefit because health care costs for tobacco users are \$3,000 to \$4,000 more each year than for non-smokers, says Bon Secours' Cindy Stutts. "There's also an impact on productivity," she says, because smokers take more breaks.

Paul Billings of the American Lung Association says he's seen no data that prove nicotine-free hiring gets people to quit. He says cessation programs are a better bet.



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## Still, his group won't hire smokers: "We're non-smoking exemplars."

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**Keith Turrill** · ★Top Commenter · Faber College

It gets a little scary when employers can start monitoring and controlling completely lawful behavior outside the workplace.

Reply · 184 · Like · 23 hours ago



**Jean Lamb**

Why do I not have the right to employee people who are like kind? Don't I have a right to provide a workplace free of this nasty vice for those of us who do not smoke? It is not your money I spend to employee people nor is it the governments. It is mine.

Reply · 46 · Like · 22 hours ago



**Adam Moreira** · ★Top Commenter · Brooklyn, New York

Jean Lamb If you don't smoke on the job, it should not be your business if it doesn't affect your job duties. It should be challenged as "unreasonable search and seizure".

Reply · 81 · Like · 22 hours ago



**Hunter Thegsp** · Terry's Hunt Camp

What else will they ban? What do you do drink? Fart? Maybe they shouldn't allow people who snore to be employed.

Reply · 68 · Like · 22 hours ago

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**Doug MacKenzie** · ★Top Commenter · Chief cook and bottle washer at Disabled Veteran

This is a very slippery slope. Why stop at tobacco? Alcohol is also an extremely destructive drug. So destructive, it was recently ranked the the #1 worst drug. But, hey, don't stop at alcohol! Anyone on Xanax, Librium, or other psych drugs. Anyone with a BMI over 25 (they're obese and will certainly have health complications). Don't hire anyone over 50 years of age (they, too are on the path of ever-increasing health issues). Where does this stop. -I get the intent. I do. But I think this is not the way to go about it.

Reply · 126 · Like · 22 hours ago



**Travis Elder** · ★Top Commenter

Based on quick looking you will need to add more "others" to the ones you listed. When deaths related to them (alcohol, obesity, presc pills) are totaled together, they fall short of annual smoking deaths by about 250k.

As is apparent, I am a smoker. I am just pointing out that smoking is far worse than most anything else out there, in terms of deadliness and health effects

Reply · 16 · Like · 19 hours ago



**Bert Bruning** · 5 Years of S.A.E @ CSUN

Travis Elder until the government and other "health agencies" can come clean about the real risks of smoking and the secondhand smoke MYTH, instead of making unchallenged statements like "Each year smoking or exposure to secondhand smoke causes 443,000 premature deaths", smoking should be considered a nusence ONLY. Smoking cigarettes reduces life expectancy, on average, 7 years thus "premature deaths". Stop and think how many years of life is prematurely lost due to alcohol, drug use, obesity and other lifestyles choices and I'm sure smoking would pale in comparison. Also, keep in mind that a smoking related illness is any illness commonly found in smokers whether the person ever smoked or NOT.

Reply · 36 · Like · 18 hours ago



**Chuck Fletcher** · ★Top Commenter · CEO & President at Advanced Software Technologies, Incorporated

Bert Bruning I couldn't agree more. Their statistics gathering is only rivaled by the RIAA, MPAA, and BSA with their GUESStimates about how much money that they lose due to piracy. On the side of my Kool's it says: SMOKING CAUSES LUNG CANCER, HEART DISEASE, EMPHYSEMA AND MY COMPLICATE PREGNANCY. So everyone who has lung cancer got it from smoking? Heart Disease patients as well? Emphysema? The biggest pregnancy complication is that if I didn't have my smokes I'd probably be more apt to strike someone than to get them pregnant. My doc tried to say my twenty+ years of smoking caused me to have heart problems and lung problems until I finally agreed to his stress test and breathing test and was told I had the heart and lungs of an 18 year-old. He also had the nads to try and blame my pituitary tumor on smoking, the MCTD lupus-like illness on smoking, diabetes because of smoking. My bad eyes, for which I've worn glasses since 5-years-old also are because of my smoking. I'm surprised he didn't try and blame 9/11 on my smoking.

Reply · 44 · Like · 14 hours ago

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**Drew Gilmer** · Works at BMI

That's complete BS...I will never support any company that imposes those restrictions.

Reply · 80 · Like · Yesterday at 2:12pm



**Richard Harrison** · College Station, Texas

Then you better never get your car worked on in a dealership. The vast majority of them use computer systems supplied by a company that hasn't hired a smoker in years.

Reply · 10 · Like · 23 hours ago



**Anthony Ferdaise** · San Diego State University

Drew Alaska Airlines has been doing this for almost 15 yrs.

Reply · 5 · Like · 23 hours ago



**Greg Smith** · Knight of the order of the red cross of constantine

Richard Harrison Hey most mechanic are smokers!( At least the good ones!) Like me.41 yrs. exp.I hope you don't smoke, so you can save your money to pay me when your car busts, then I can buy primo stogies!

Reply · 39 · Like · 23 hours ago

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**Jenny Zora** · ★Top Commenter · UCLA

I don't smoke I hate the smell of it. But it is legal to smoke and cigarettes are legal. I think it is discrimination just like my boss says he will never hire a woman with children. One thing leads to another I guess...

Reply ·  71 · Like · 23 hours ago



**Nyx VonDog** ·  Top Commenter · Owner/CEO at Owner/CEO VonDog Cropdusting Inc.

That's a great point because parents miss more work than anyone. Every time there's a snow storm, school vacation, half-day, anything, the parent is gone and we're covering for them. Anyone that supports not hiring smokers based on the cost to the company really should be for banning parents from the workforce too. And overweight people should be long gone. This has become one of the least tolerant places in the world. I think most Americans would be shocked to learn of the freedoms enjoyed by citizens of such "terrible" places as Russia.

Reply ·  52 · Like · 23 hours ago



**Jenny Zora** ·  Top Commenter · UCLA

Nyx VonDog that's the point he makes... women call in sick when something comes up with the kids he won't tolerate it. Oh and heavy people don't bother he hates them and says they are all lazy.

Reply ·  10 · Like · 22 hours ago



**Anne Corrao Peterson** · Stoneham High School

Jenny your boss is an idiot!! Find another job!

Reply ·  28 · Like · 21 hours ago

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**Greg Smith** · Knight of the order of the red cross of constantine

I'll smoke whatever, and whenever I want! If someone asks me nicely to give them space, I will. If someone won't pay me for my good services, because I smoke, They LOSE! And they can kiss my nicotine stained ass!

Reply ·  54 · Like · 23 hours ago



**Kevin Pearson** ·  Top Commenter · 44 years old

In this economy, there are plenty of people looking for work that it would not be difficult to replace you.

Reply ·  17 · Like · 20 hours ago



**Tea Ryan**

Kevin Pearson takes it in the butt...and then the mouth.

Reply · Like · 14 hours ago



**Nathan 'Nat' Chase Womack** ·  Top Commenter

You sure will, Greg...no one is disputing your right. And, a potential employer has EVERY right to NOT hire you because of that. 2 equally qualified potential employees? I'd hire the non-smoker EVERY time.

Reply ·  9 · Like · 8 hours ago

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**Gary Steven Janeway**

Welcome to the new AmeriKa, where corporations rule our lives. Constitution, what constitution. Corporations don't have to follow the bill of rights. This is what happens when unions go away.

Reply ·  34 · Like · 23 hours ago



**Willie Williams** ·  Top Commenter · Los Angeles, California

Amerika, Amerika,  
God sheds feces on thee,  
And crown corporations with person-hood,  
From sea to oily sea... (tear drop)

Reply ·  13 · Like · 21 hours ago



**Dorothy Lugrin** ·  Top Commenter · Administration / Adjuster at Aquaterra Energy

Unions have nothing to do with this. This is a "cost of insurance" issue that companies are facing. I don't support it, anymore than I would support not hiring people with children, even tho they have more absences than any others with health issues.

Reply · 9 · Like · 21 hours ago



**Kevin Pearson** · Top Commenter · 44 years old

When have you ever had a job where you were not paid by a corporation? Have you ever driven a car that wasn't manufactured by a corporation? Have ever purchased gas for that car that was wasn't refined by a corporation?  
Was the computer that you typed your ridiculous post on, not manufactured by a corporation? was the internet service provider that allowed you to connect to the internet not a corporaiton?

Of course corporation run your life.

Reply · 12 · Like · 20 hours ago

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**David Wittler** · Top Commenter · Worker at At a job

If I ran a business, I would not hire smokers. If I am paying for their health insurance, I think I would have the right to do that. Plus, I personally think that smoking is the most disgusting, ridiculous, wasteful habit there is.

Reply · 33 · Like · Yesterday at 2:25pm



**David Turk**

you hired Obama, and you pay for his insurance.. and HE smokes...

Reply · 54 · Like · Yesterday at 2:41pm



**David Wittler** · Top Commenter · Worker at At a job

In the first place, I didn't vote for Obama. And besides, he finally quit smoking. At least he had the guts to try to quit.

Reply · 7 · Like · Yesterday at 2:45pm



**Terry Jewell**

well don` t hire fat people , people with any health problems, these people make me sick

Reply · 36 · Like · 23 hours ago

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**Darlene Egnatios** · Northville, Michigan

What about obesity or is that considered discrimination?

Reply · 26 · Like · Yesterday at 2:32pm



**Kathi Vande Guchte** · Top Commenter · Grand Rapids Christian High School

Darlene, that is coming. Many companies impose fines or charges on people who are obese/overweight, but I can see this same scenario happening with that population as well.

Reply · 20 · Like · 23 hours ago



**Al Cordova** · Top Commenter · Bresnan Communications

Obesity does not create potential health hazard for me as smoking does.

Reply · 7 · Like · 22 hours ago



**Ed Avila** · Norwich Technical High School

Al Cordova, no but it certainly drives up Healthcare Costs as much if not more. Just wait til Obamacare hits full stride, you ain't seen nuthing yet.

Reply · 22 · Like · 21 hours ago

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**Spencer Lee Marshall** · Top Commenter



As Darlene points out fat people should be excluded from reasonable employment too. I mean an addiction is an addiction and food should not be left out of this equation.

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