

# END SMOKER SPECIAL TREATMENT

*Repeal Smokers as Protected Class of Citizen*

## OPPORTUNITY TO IMPROVE THE BUSINESS CLIMATE

In 1994, Kentucky enacted a law that made smokers a protected class, forbidding employers from turning away a job applicant just because he/she smokes.

As a border state competing for the top talent in our region, NKY is at a disadvantage based on Ohio's laws which do not elevate smokers to a protected class. The NKY Chamber believes this is an arbitrary and unjustified intrusion into the rights of employers.

## APPROACH TO TACKLE THE ISSUE

Amend the Kentucky Civil Rights Act to remove language designating smokers as a protected class of citizen in Kentucky on par with race, color, religion, national origin, sex, age, and disability.

Challenge the notion that the chosen behavior of smoking should be treated the same as immutable characteristics like race, ethnicity, disability, etc.

## WHY DOES IT MATTER TO MY BUSINESS

Kentucky has the second highest adult smoking rates in the country and has the highest death rate in the nation from cancer. Smoking related health care costs in the Commonwealth total \$1.92 billion each year.

A study by Ohio State University shows it costs employers approximately \$6,000 more a year to employ a smoker versus a non-smoker, placing undue strain upon employers trying to operate in a tight market.

Employers should also have the right to take into account behaviors like smoking that may impact the suitability of a worker for a position when hiring.

## WHAT ARE WE ASKING AN ELECTED OFFICIAL TO DO

Support legislation to repeal smokers as a protected class of citizens in Kentucky.