

# SENATE BILL No. 484

September 12, 1991, Introduced by Senators DILLINGHAM,  
HONIGMAN, CHERRY, GAST, KOIVISTO, HART, KELLY, N. SMITH  
and BARCIA and referred to the Committee on Labor.

A bill to prohibit discrimination in employment of individuals who smoke or use tobacco products outside the work environment; and to prescribe penalties and remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Employee" means a person who performs a service for  
3 wages or other remuneration under a contract of hire, written or  
4 oral, express or implied.

5       (b) "Employer" means a person who has 1 or more employees.  
6 Employer includes an agent of an employer and the state or a  
7 political subdivision of the state.

8       Sec. 2. An employer shall not require, as a condition of  
9 employment, that an employee or prospective employee refrain from  
10 smoking or using tobacco products outside his or her work  
11 environment, or otherwise discriminate against an employee with

1 respect to his or her compensation, terms, conditions, or  
2 privileges of employment for smoking or using tobacco products  
3 outside his or her work environment.

4       Sec. 3. (1) A person alleging a violation of this act may  
5 bring a civil action for appropriate injunctive relief or dam-  
6 ages, or both.

7       (2) An action commenced pursuant to subsection (1) may be  
8 brought in the circuit court for the county in which the alleged  
9 violation occurred or for the county in which the employer  
10 against whom the civil complaint is filed resides or has his or  
11 her principal place of business.

12       (3) As used in subsection (1), "damages" means damages for  
13 injury or loss caused by each violation of this act, including  
14 all or a portion of the costs of litigation, such as reasonable  
15 attorney and witness fees.