



County Technical Assistance Service

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Smoking in the Workplace

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Smoking in the Workplace

Reference Number: CTAS-1084

Under Tennessee's Non-Smoker Protection Act, T.C.A. § 39-17-1801 *et seq.*, smoking is prohibited in any enclosed area under the control of a public (or private) employer that employees normally frequent during the course of employment. The act requires "No Smoking" signs or the international "No Smoking" symbol be clearly and conspicuously posted at every entrance to every place of employment where smoking is prohibited by the act by the owner, operator, manager, or other person in control of that place. A person who smokes in an area where smoking is prohibited is subject to a fifty-dollar (\$50) fine.

The Non-Smoker Protection Act does not apply to outdoor areas, as long as smoke from those areas does not infiltrate into areas where smoking is prohibited. T.C.A. § 39-17-1804. Employees who smoke may be required to do so only at specified times and in specified places that are not in violation of the law.

State law protects employees who use tobacco products from being discharged from employment solely because they use tobacco products, as long as the employee complies with all of the employer's policies regarding the use of tobacco products during working hours. T.C.A. § 50-1-304. This law does not, however, prohibit an employer from refusing to hire someone who uses tobacco products.

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