

# ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-240

"Prohibition of Employment Discrimination on the Basis of Tobacco Use Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-504 on first and second readings, December 1, 1992, and December 15, 1992, respectively. Following the signature of the Mayor on January 5, 1993, this legislation was assigned Act No. 9-374, published in the January 22, 1993, edition of the D.C. Register, (Vol. 40 page 627) and transmitted to Congress on January 15, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-240, effective March 17, 1993.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 20,21,22,25,26,27

February 2,3,4,16,17,18,19,22,23,24,25,26

March 1,2,3,4,5,8,9,10,11,12,15,16

AN ACT

D.C. ACT 9-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 1993

To amend the District of Columbia Smoking Restriction Act of 1979 to prohibit employment discrimination on the basis of the use of tobacco, and to establish a private cause of action as the remedy for violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Employment Discrimination on the Basis of Tobacco Use Amendment Act of 1992".

Sec. 2. The District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Code § 6-911 *et seq.*), is amended by adding a new section 4c to read as follows:

"Sec. 4c. Prohibition of employment discrimination on the basis of tobacco use.

New, Section  
6-913.3

"(a) No person shall refuse to hire or employ any applicant for employment, or discharge or otherwise discriminate against any employee with respect to compensation or any other term, condition, or privilege of employment, on the basis of the use by the applicant or employee of tobacco or tobacco products. Nothing in this section shall be construed as limiting a person from establishing or enforcing workplace smoking restrictions that are required or permitted by this act or other District or federal laws, or in establishing tobacco-use restrictions or prohibitions that constitute bona fide occupational qualifications.

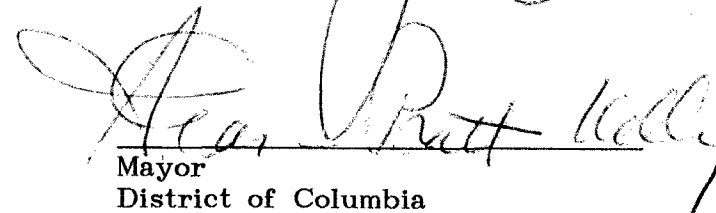
"(b) Any employee or applicant for employment who is aggrieved by a violation of subsection (a) of this section shall have a private cause of action against the person. An employee or applicant for employment shall pursue and exhaust all remedies available pursuant to any collective bargaining agreement, grievance procedure, or other established means of resolving employer-employee disputes, to resolve a violation of subsection (a) of this section, prior to commencing a civil action.

"(c) Any employee or applicant for employment who is aggrieved by a violation of subsection (a) of this section shall be entitled to recover any damages, including lost or back wages or salary. The court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia

to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: January 5, 1993



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-504

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-1-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp, Jarvis, Thomas and Lightfoot

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_ / \_\_\_ / \_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 17, 1992  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-15-92

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT Approved ( 9 / 4 / 0 / 0 )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON	X				JARVIS		X			ROLARK	X			
BRAZIL	X				LIGHTFOOT	X				SMITH, JR.	X			
CRAWFORD	X				MASON		X			THOMAS, SR.	X			
CROPP		X			NATHANSON	X								
EVANS		X			RAY	X								

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 17, 1992  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_ / \_\_\_ / \_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date