



Smoking

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 municipal 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 MTAS website material.

Sincerely,

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Table of Contents

Smoking.....	3
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Reference Number: MTAS-2051

Smoking Rights

A municipality is prohibited from discharging an employee for using an agricultural product not regulated by the alcoholic beverage commission that is not otherwise proscribed by law (tobacco) as long as the employee abides by the employer's work rules regarding tobacco use. T.C.A. § 50-1-304(d)(1).

Notification of Smoking Ban

The state ban on smoking in places of employment must be communicated to all existing employees and prospective employees when they apply for a job. T.C.A. § 39-17-1803(b).

Nonsmoker Protection Act

Public Chapter 410 added a new Part 18 to T.C.A. Title 39, Chapter 17, banning smoking in most enclosed public places in Tennessee, including places of employment. For details on the act, visit: <http://www.mtas.tennessee.edu/reference/non-smoker-protection-act> [1].

Links:

[1] <https://www.mtas.tennessee.edu/reference/non-smoker-protection-act>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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