

HOUSE JOINT RESOLUTION 436

By Litz

A RESOLUTION relative to the tobacco surcharge to be imposed on certain state employees.

WHEREAS, the State Insurance Committee has approved a plan to implement a fifty dollar (\$50.00) per-month surcharge for those members of the State Group Insurance Program who use tobacco; and

WHEREAS, the tobacco surcharge will go into effect on January 1, 2010, and will apply to all active state employees, retirees, and covered spouses; and

WHEREAS, although encouraging state employees to quit tobacco is a laudable goal, the end result of fewer smokers does not justify the nefarious means, i.e. the tobacco surcharge, of such plan; and

WHEREAS, the tobacco surcharge represents the first step down the slippery slope of the State of Tennessee attempting to regulate the personal habits and behavior of its employees by means of what amounts to a tax on a lifestyle choice that is perfectly legal; and

WHEREAS, although tobacco use can cause health problems and inflate health care costs, so can a multitude of other conditions that are caused or exacerbated by legal lifestyle choices, including obesity, alcoholism, diabetes, and various heart conditions, thus begging the very real question: "Will state employees one day be penalized for succumbing to illness possibly caused by unhealthy behavior?"; and

WHEREAS, this scenario leads the intelligent observer to wonder if the imposition of the tobacco surcharge on state employees is the genesis of an Orwellian Society in which the freedom of the individual is curtailed for the perceived good of society as a whole; and

WHEREAS, we, as Tennesseans and Americans, place great value on our personal liberty, and this Body believes that the tobacco surcharge is an affront to the very concept of freedom upon which our nation was founded and which we still hold dear; and

WHEREAS, in short, improving the individual and collective health of Tennessee's employees is a worthy goal, but not nearly so important as our inalienable right to live as we choose inside the law; and

WHEREAS, in economic terms, the tobacco surcharge will place an undue financial burden on state employees, many of whom are already struggling to make ends meet in these recessionary times, and retirees living on fixed incomes will also be negatively impacted; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that for the reasons stated in the preamble of this resolution, we hereby strongly urge and encourage the State Insurance Committee to reconsider its action and rescind the surcharge to be imposed on active and retired members of the State Group Insurance Program who use tobacco.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the State Insurance Committee.