

HOUSE BILL No. 1085

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-8.

Synopsis: Device implantation as a condition of employment. Prohibits an employer from requiring a candidate for employment or an employee to have a device implanted or otherwise incorporated into the candidate's or employee's body as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or benefits.

Effective: July 1, 2019.

Morrison

January 3, 2019, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1085

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:

4 **Chapter 8. Prohibition Against Requiring the Implantation of**
5 **Devices**

6 **Sec. 1. As used in this chapter, "device" includes any acoustic,**
7 **optical, mechanical, electronic, medical, or molecular device.**

8 **Sec. 2. (a) Except as provided in subsection (c), an employer**
9 **may not require an employee or prospective employee to take any**
10 **of the following actions as a condition of employment, as a**
11 **condition of employment in a particular position, or as a condition**
12 **of receiving additional compensation or other benefits:**

13 (1) **Implant, or undergo a procedure to implant, a device in**
14 **the candidate's or employee's body.**

15 (2) **Inject, or receive an injection of, a device into the**
16 **candidate's or employee's body.**

17 (3) **Ingest, inhale, or otherwise incorporate a device into the**



1 candidate's or employee's body.
2 (b) Except as provided in subsection (c), an employer may not
3 discriminate against an employee with respect to:
4 (1) the employee's compensation and benefits; or
5 (2) terms and conditions of employment;
6 based on the employee's refusal to take an action described in
7 subsection (a).
8 (c) An employer may, as a condition of employment, as a
9 condition of employment in a particular position, or as a condition
10 of receiving additional compensation or other benefits, require an
11 employee or a prospective employee to comply with a court order
12 that directs the employee or prospective employee to take an action
13 described in subsection (a).
14 Sec. 3. (a) An employee or prospective employee may bring a
15 civil action against an employer to enforce section 2 of this chapter.
16 (b) If an employer violates section 2 of this chapter, the court
17 may do the following:
18 (1) Award:
19 (A) actual damages; and
20 (B) court costs and reasonable attorney's fees;
21 to the prevailing employee or prospective employee.
22 (2) Enjoin further violation of this chapter.
23 Sec. 4. This chapter does not limit an employee's or prospective
24 employee's rights or remedies under any other state or federal law.

