

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1143

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

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

SECTION 1. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

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

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

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

- (1) Implant, or undergo a procedure to implant, a device in the candidate's or employee's body.
- (2) Inject, or receive an injection of, a device into the candidate's or employee's body.
- (3) Ingest, inhale, or otherwise incorporate a device into the candidate's or employee's body.

**(b)** Except as provided in subsection (c), an employer may not discriminate against an employee with respect to:

- (1) the employee's compensation and benefits; or
- (2) terms and conditions of employment;

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based on the employee's refusal to take an action described in subsection (a).

(c) An employer may, as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or other benefits, require an employee or a prospective employee to comply with a court order that directs the employee or prospective employee to take an action described in subsection (a).

Sec. 3. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 2 of this chapter.

(b) If an employer violates section 2 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing employee or prospective employee.

(2) Enjoin further violation of this chapter.

Sec. 4. This chapter does not limit an employee's or prospective employee's rights or remedies under any other state or federal law.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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