

HOUSE BILL No. 1196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4.

Synopsis: Use of tobacco by prospective employee. Removes the prohibition against an employer requiring, as a condition of employment, that a prospective employee refrain from using tobacco products outside the course of the prospective employee's employment. Removes the civil cause of action that a prospective employee could have brought against an employer for requiring the prospective employee, as a condition of employment, to refrain from using tobacco products outside the course of the prospective employee's employment.

Effective: July 1, 2016.

Harman

January 7, 2016, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1196

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 22-5-4-1, AS AMENDED BY P.L.136-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), an
4 employer may not:
5 (1) require, as a condition of employment, an employee ~~or~~
6 ~~prospective employee~~ to refrain from using; or
7 (2) discriminate against an employee with respect to:
8 (A) the employee's compensation and benefits; or
9 (B) terms and conditions of employment;
10 based on the employee's use of;
11 tobacco products outside the course of the employee's ~~or prospective~~
12 ~~employee's~~ employment.
13 (b) An employer may implement financial incentives:
14 (1) intended to reduce tobacco use; and
15 (2) related to employee health benefits provided by the employer.
16 SECTION 2. IC 22-5-4-2 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An employee ~~or prospective~~



1 ~~employee~~ may bring a civil action against an employer to enforce
2 section 1 of this chapter.

3 (b) If an employer violates section 1 of this chapter, the court may
4 do the following:

5 (1) Award:

6 (A) actual damages; and

7 (B) court costs and reasonable attorney's fees;
8 to the prevailing employee. ~~or prospective employee.~~

9 (2) Enjoin further violation of this chapter.

