

1 AN ACT relating to coal workers' pneumoconiosis.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 342.197 is amended to read as follows:

4 (1) No employee shall be harassed, coerced, discharged, or discriminated against in any
5 manner whatsoever for filing and pursuing a lawful claim under this chapter.

6 (2) It is unlawful practice for an employer:

7 (a) To fail or refuse to hire, or to discharge any individual, or otherwise to
8 discriminate against an individual with respect to his or her compensation,
9 terms, conditions, or privileges of employment, because such individual has
10 been diagnosed as having category 1/0, 1/1, or 1/2 occupational
11 pneumoconiosis with no respiratory impairment resulting from exposure to
12 coal dust; or

13 (b) To limit, segregate, or classify his or her employees in any way which would
14 deprive or tend to deprive an individual of employment opportunities or
15 otherwise adversely affect his or her status as an employee, because such
16 individual has been diagnosed as having category 1/0, 1/1, or 1/2 occupational
17 pneumoconiosis with no respiratory impairment resulting from exposure to
18 coal dust.

19 (3) Any individual injured by any act in violation of the provisions of subsection (1) or
20 (2) of this section shall have a civil cause of action in Circuit Court to enjoin further
21 violations, and to recover the actual damages sustained by him or her, together with
22 the costs of the law suit, including a reasonable fee for his or her attorney of record.