
SENATE BILL NO. 87—SENATOR HARDY

PREFILED FEBRUARY 1, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Repeals certain provisions relating to unlawful employment practices. (BDR 53-104)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment practices; repealing certain provisions relating to unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill removes the prohibition against discrimination by an employer based
2 upon an employee’s or prospective employee’s lawful use of any product outside
3 the premises of the employer during his or her nonworking hours which does
4 not adversely affect his or her job performance or the safety of other employees.
5 (NRS 613.333)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 613.333 is hereby repealed.
2 **Sec. 2.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

613.333 Unlawful employment practices: Discrimination for lawful use of any product outside premises of employer which does not adversely affect job performance or safety of other employees.

1. It is an unlawful employment practice for an employer to:



- (a) Fail or refuse to hire a prospective employee; or
- (b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment,

↳ because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees.

2. An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:

- (a) Any wages and benefits lost as a result of the violation;
- (b) An order of reinstatement without loss of position, seniority or benefits;
- (c) An order directing the employer to offer employment to the prospective employee; and
- (d) Damages equal to the amount of the lost wages and benefits.

3. The court shall award reasonable costs, including court costs and attorney's fees to the prevailing party in an action brought pursuant to this section.

4. The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.

