

HOUSE BILL No. 1029

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4.

Synopsis: Off duty use of tobacco by prospective employees. 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, 2014.

Culver

January 7, 2014, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

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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, 2014]: 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



1 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An employee ~~or prospective~~
2 ~~employee~~ may bring a civil action against an employer to enforce
3 section 1 of this chapter.
4 (b) If an employer violates section 1 of this chapter, the court may
5 do the following:
6 (1) Award:
7 (A) actual damages; and
8 (B) court costs and reasonable attorney's fees;
9 to the prevailing employee. ~~or prospective employee.~~
10 (2) Enjoin further violation of this chapter.

