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STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 251 BY: BROWN

AS INTRODUCED

AN ACT RELATING TO LABOR; PROHIBITING DISCRIMINATION IN EMPLOYMENT PRACTICES AGAINST EMPLOYEES OR APPLICANTS BECAUSE SUCH PERSON IS SMOKER OR NONSMOKER; PROHIBITING REQUIREMENT OF ABSTENTION FROM SMOKING OR USE OF TOBACCO PRODUCTS DURING NONWORKING HOURS AS A CONDITION OF EMPLOYMENT; PROVIDING CIVIL ACTION AS REMEDY FOR DAMAGES RESULTING FROM VIOLATIONS; STATING DAMAGES; PROVIDING FOR COURT COSTS AND ATTORNEY FEES FOR PREVAILING PARTY; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500 of Title 40, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for an employer to:

1. Refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual is a smoker or nonsmoker; or

2. Require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 501 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The sole remedy for any individual claiming to be aggrieved by a violation of Section 1 of this act shall be civil action for damages which shall include all wages and benefits deprived the individual by reason of the violation.

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1           B. The court shall award the prevailing party in such action  
 2 court costs and reasonable attorney fees.

3           SECTION 3. It being immediately necessary for the preservation  
 4 of the public peace, health and safety, an emergency is hereby  
 5 declared to exist, by reason whereof this act shall take effect and  
 6 be in full force from and after its passage and approval.

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