

as passed by Senate

1 ENGROSSED SENATE
2 BILL NO. 251

BY: BROWN of the SENATE
and
MAXEY of the HOUSE

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8 AN ACT RELATING TO LABOR; PROHIBITING
9 DISCRIMINATION IN EMPLOYMENT PRACTICES AGAINST
10 EMPLOYEES OR APPLICANTS BECAUSE SUCH PERSON IS A
11 SMOKER OR NONSMOKER; PROHIBITING REQUIREMENT OF
12 ABSTENTION FROM SMOKING OR USE OF TOBACCO PRODUCTS
13 DURING NONWORKING HOURS AS A CONDITION OF
14 EMPLOYMENT; PROHIBITING CONSTRUCTION OF ACT TO
15 PREVENT EMPLOYERS FROM ENGAGING IN CERTAIN
16 PRACTICES; PROVIDING EXCEPTIONS FROM THIS ACT;
17 PROVIDING CIVIL ACTION AS REMEDY FOR DAMAGES
18 RESULTING FROM VIOLATIONS; STATING DAMAGES;
19 PROVIDING FOR COURT COSTS AND ATTORNEY FEES FOR
20 PREVAILING PARTY; PROVIDING FOR CODIFICATION; AND
21 DECLARING AN EMERGENCY.

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

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

34 It shall be unlawful for an employer to:

35 1. Discharge any individual, or otherwise disadvantage any
36 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:

TIOK 0029502

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1 The provisions of this act shall not be construed to prevent an
2 employer from prescribing conditions with regard to smoking while on
3 the job or on the premises of the employer.

4 SECTION 3. NEW LAW A new section of law to be codified in
5 the Oklahoma Statutes as Section 502 of Title 40, unless there is
6 created a duplication in numbering, reads as follows:

7 The provisions of this act shall not apply when the restriction
8 on smoking relates to a bona fide occupational requirement or an
9 applicable collective bargaining agreement which prohibits or allows
10 off-duty use of tobacco products.

11 SECTION 4. NEW LAW A new section of law to be codified in
12 the Oklahoma Statutes as Section 503 of Title 40, unless there is
13 created a duplication in numbering, reads as follows:

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

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

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

24 Passed the Senate the 5th day of March, 1991.

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28 President of the Senate

29 Passed the House of Representatives the ____ day of _____,
30 1991.

31 **TIOK 0029503**

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34 Speaker of the House of
35 Representatives
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