

ENGROSSED SENATE
BILL NO. 251

BY: BROWN of the SENATE

and

MAXEY of the HOUSE

AN ACT RELATING TO LABOR; PROHIBITING DISCRIMINATION
IN EMPLOYMENT PRACTICES AGAINST EMPLOYEES OR
APPLICANTS BECAUSE SUCH PERSON IS A SMOKER OR
NONSMOKER; PROHIBITING REQUIREMENT OF ABSTENTION
FROM SMOKING OR USE OF TOBACCO PRODUCTS DURING
NONWORKING HOURS AS A CONDITION OF EMPLOYMENT;
PROHIBITING CONSTRUCTION OF ACT TO PREVENT
EMPLOYERS FROM ENGAGING IN CERTAIN PRACTICES;
PROVIDING EXCEPTIONS FROM THIS ACT; 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. 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:

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

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503 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.

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

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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

President of the Senate

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

Speaker of the House of
Representatives