

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.

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

SECTION 3. 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.

43-1-458

MJF