

HOUSE BILL No. 1266

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4-1.

Synopsis: Tobacco use by prospective health care employee. Allows certain health care employers to base an employment decision on the prospective employee's tobacco use.

Effective: July 1, 2013.

Mahan, Kubacki, Brown C, Zent

January 23, 2013, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1266



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, 2013]: Sec. 1. (a) Except as provided in ~~subsection~~
4 **subsections (b) and (c)**, an 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 **(c) An employer that:**
17 **(1) is licensed as a hospital under IC 16-21; or**



1 **(2) provides health care services (as defined in IC 27-13-1-18);**
2 **may base an employment decision on a prospective employee's use**
3 **of tobacco products outside the course of the prospective**
4 **employee's employment.**

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