

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   HOUSE BILL 2460

By: Dunnington of the House

5   and

6   **Montgomery** of the Senate

7  
8  
9   AS INTRODUCED

10           An Act relating to labor; amending 40 O.S. 2011,  
11           Section 500, as amended by Section 2, Chapter 103,  
12           O.S.L. 2013 (40 O.S. Supp. 2018, Section 500), which  
13           relates to nonsmoking as condition for employment;  
14           removing certain condition for employment; and  
15           providing an effective date.

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

17           SECTION 1.           AMENDATORY           40 O.S. 2011, Section 500, as  
18           amended by Section 2, Chapter 103, O.S.L. 2013 (40 O.S. Supp. 2018,  
19           Section 500), is amended to read as follows:

20           Section 500.   A.   It shall be unlawful for an employer to÷  
21           ~~1. Discharge~~ discharge any individual, or otherwise  
22           disadvantage any individual, with respect to compensation, terms,  
23           conditions or privileges of employment because the individual is a  
24

1 nonsmoker or smokes or uses tobacco products during nonworking  
2 hours; ~~or~~

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

6 B. Nothing in this section shall prohibit an employer from  
7 offering incentives to an employee to participate in wellness  
8 programs, including, but not limited to, smoking cessation programs,  
9 in conjunction with the employer providing the employee health  
10 insurance coverage.

11 SECTION 2. This act shall become effective November 1, 2019.

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13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM  
14 CARE, dated 02/27/2019 - DO PASS, As Coauthored.