

SECOND REGULAR SESSION

HOUSE BILL NO. 1101

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Pre-filed December 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3861L.01I

AN ACT

To repeal section 290.145, RSMo, and to enact in lieu thereof one new section relating to improper employment practices.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 290.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.145, to read as follows:

290.145. It shall be an improper employment practice for an employer to refuse to hire, or to discharge, any individual, or to otherwise disadvantage any individual, with respect to compensation, terms or conditions of employment because the individual uses lawful alcohol or tobacco products off the premises of the employer during hours such individual is not working for the employer, unless such use interferes with the duties and performance of the employee, the employee's coworkers, or the overall operation of the employer's business; except that, nothing in this section shall prohibit an employer from providing or contracting for health insurance benefits at a reduced premium rate **or at a reduced deductible level** for employees who do not smoke or use tobacco products. Religious organizations and church-operated institutions, and not-for-profit organizations whose principal business is health care promotion shall be exempt from the provisions of this section. The provisions of this section shall not be deemed to create a cause of action for injunctive relief, damages or other relief.

✓

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.