

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 470

Representative Dyer

Cosponsors: Representatives Okey, Domenick, Pryor, Hagan

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A B I L L

To enact section 4113.25 of the Revised Code to 1
prohibit employment discrimination against 2
smokers. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4113.25 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4113.25. (A) No employer shall discharge without just 6
cause, refuse to hire, or otherwise discriminate against any 7
person with respect to hire, tenure, terms, conditions, or 8
privileges of employment, or any matter directly or indirectly 9
related to employment, on the basis that the person smokes 10
tobacco. 11

(B) Nothing in this section shall prohibit an employer from 12
adopting and enforcing rules that prohibit employees from smoking 13
tobacco, or smelling like tobacco smoke, during the hours of 14
employment. 15

(C) Any person discriminated against as a result of a 16
violation of division (A) of this section may sue in any court of 17
competent jurisdiction to recover damages and costs, including 18
attorney's fees, and to obtain injunctive relief or other 19

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| <u>appropriate relief.</u> | 20 |
| <u>(D) Any action arising under this section shall be initiated within one year after the date of violation.</u> | 21 22 |
| <u>(E) The director of commerce shall administer and administratively enforce this section and may adopt rules in accordance with Chapter 119. of the Revised Code for those purposes.</u> | 23 24 25 26 |
| <u>(F) Whoever violates this section shall be fined twenty-five thousand dollars for the first offense, fifty thousand dollars for the second offense, and one hundred thousand dollars for each subsequent offense.</u> | 27 28 29 30 |