ENGROSSED
HOUSE BILL No. 1143

DIGEST OF HB 1143 (Updated February 12, 2020 12:40 pm - DI 135)

Citations Affected: IC 22-5.

Synopsis: Device implantation as a condition of employment. Prohibits an employer from requiring a candidate for employment or an employee to have a device implanted or otherwise incorporated into the candidate's or employee's body as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or benefits.

Effective: July 1, 2020.

Morrison, Morris, Judy, Bartlett
(SENATE SPONSORS — FORD JON, DORIOT)

January 8, 2020, read first time and referred to Committee on Employment, Labor and Pensions.
January 14, 2020, reported — Do Pass.
January 16, 2020, read second time, ordered engrossed. Engrossed.
January 21, 2020, read third time, passed. Yeas 97, nays 0.

SENATE ACTION
February 5, 2020, read first time and referred to Committee on Pensions and Labor.
February 13, 2020, reported favorably — Do Pass.
ENGROSSED

HOUSE BILL No. 1143

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:

SECTION 1. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 8. Prohibition Against Requiring the Implantation of Devices

Sec. 1. As used in this chapter, "device" includes any acoustic, optical, mechanical, electronic, medical, or molecular device.

Sec. 2. (a) Except as provided in subsection (c), an employer may not require an employee or prospective employee to take any of the following actions as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or other benefits:

(1) Implant, or undergo a procedure to implant, a device in the candidate's or employee's body.

(2) Inject, or receive an injection of, a device into the candidate's or employee's body.

(3) Ingest, inhale, or otherwise incorporate a device into the

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candidate's or employee's body.

(b) Except as provided in subsection (c), an employer may not discriminate against an employee with respect to:

(1) the employee's compensation and benefits; or

(2) terms and conditions of employment;

based on the employee's refusal to take an action described in subsection (a).

(c) An employer may, as a condition of employment, as a condition of employment in a particular position, or as a condition of receiving additional compensation or other benefits, require an employee or a prospective employee to comply with a court order that directs the employee or prospective employee to take an action described in subsection (a).

Sec. 3. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 2 of this chapter.

(b) If an employer violates section 2 of this chapter, the court may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and reasonable attorney's fees;

to the prevailing employee or prospective employee.

(2) Enjoin further violation of this chapter.

Sec. 4. This chapter does not limit an employee's or prospective employee's rights or remedies under any other state or federal law.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1143 as introduced.)

VANNATTER

Committee Vote: Yeas 11, Nays 0

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 1