

HOUSE BILL NO. 6544

December 18, 2020, Introduced by Reps. Yancey, Gay-Dagnogo, Brenda Carter and Garrett and referred to the Committee on Government Operations.

A bill to prohibit employers from discriminating against employees based on tobacco, vapor, or nicotine habits that are unrelated to employment; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Employee" means an individual who receives compensation
3 for performing services for an employer under an express or implied
4 contract of hire.

1 (b) "Employer" means an individual or entity that allows 1 or
2 more individuals to work, or that accepts applications for
3 employment, or is an agent of an employer.

4 Sec. 3. (1) Except as provided in this section, an employer
5 shall not discharge, fail or refuse to hire or recruit, or
6 otherwise discriminate against an individual with respect to
7 employment, compensation, or a term, condition, or privilege of
8 employment because the individual uses tobacco products, vapor
9 products, or nicotine products.

10 (2) The prohibition in subsection (1) does not apply to any of
11 the following:

12 (a) Use that directly impairs an established bona fide
13 occupational requirement or an employment activity or
14 responsibility of the employee.

15 (b) Use on or in property that the employer owns or leases if
16 the use violates an established policy of the employer.

17 (c) Use that is prohibited or regulated under state or federal
18 law, regulation, or rule if the use is not in accord with the law,
19 regulation, or rule.

20 Sec. 5. A person shall not retaliate or discriminate against a
21 person because the person has done or was about to do any of the
22 following:

23 (a) File a complaint under this act.

24 (b) Testify, assist, or participate in an investigation,
25 proceeding, or action concerning a violation of this act.

26 (c) Oppose a violation of this act.

27 Sec. 7. An employer shall not require an applicant or employee
28 to waive any right under this act. An agreement by an applicant or
29 employee to waive any right under this act is invalid and

1 unenforceable.

2 Sec. 9. A person who is injured by a violation of this act may
3 bring a civil suit in a court of competent jurisdiction to obtain
4 injunctive relief and damages. The court shall award costs and
5 reasonable attorney fees to a person who prevails as a plaintiff in
6 a suit authorized under this section.