

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 596

93RD GENERAL ASSEMBLY

1652L.01T

2005

AN ACT

To repeal section 290.145, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefits for employees.

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

Section A. Section 290.145, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 285.125 and 290.145, to read as follows:

**285.125. Notwithstanding any other provision of law to the contrary, an employer
2 shall be permitted to provide or contract for health insurance benefits at a reduced
3 premium rate for employees who do not smoke or use tobacco products.**

290.145. It shall be an improper employment practice for an employer to refuse to hire,
2 or to discharge, any individual, or to otherwise disadvantage any individual, with respect to
3 compensation, terms or conditions of employment because the individual uses lawful alcohol or
4 tobacco products off the premises of the employer during hours such individual is not working
5 for the employer, unless such use interferes with the duties and performance of the employee,
6 [his] **the employee's** coworkers, or the overall operation of the employer's business; **except that,**
7 **nothing in this section shall prohibit an employer from providing or contracting for health**
8 **insurance benefits at a reduced premium rate for employees who do not smoke or use**
9 **tobacco products.** Religious organizations and church-operated institutions, and not-for-profit

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.

10 organizations whose principal business is health care promotion shall be exempt from the
11 provisions of this section. The provisions of this section shall not be deemed to create a cause
12 of action for injunctive relief, damages or other relief.