

**HB 1154-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that except as provided, it is unlawful for an employer to require an employee or prospective employee to disclose verbally or in writing whether he or she consumed lawful tobacco products at any time before or during employment with the employer or to require an employee or prospective employee to agree verbally or in writing not to consume lawful tobacco products off the premises of the employer during nonworking hours.

Provides that any person violating this act is guilty of a misdemeanor.

Provides that, in a civil action alleging a violation of this act, the court may: (1) Award a penalty in the amount of five hundred dollars to a prevailing employee or prospective employee in addition to any award of actual damages;

(2) Award reasonable attorneys' fees and costs to the prevailing employee or prospective employee; and

(3) Pursuant to RCW 4.84.185, award any prevailing party against whom an action has been brought for a violation of this act reasonable expenses and attorneys' fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.