

609.849 RAILROAD THAT OBSTRUCTS TREATMENT OF INJURED WORKER.

(a) It shall be unlawful for a railroad or person employed by a railroad to intentionally:

(1) deny, delay, or interfere with medical treatment or first aid treatment to an employee of a railroad who has been injured during employment; or

(2) discipline, harass, or intimidate an employee to discourage the employee from receiving medical attention or threaten to discipline an employee who has been injured during employment for requesting medical treatment or first aid treatment.

(b) Nothing in this section shall deny a railroad company or railroad employee from making a reasonable inquiry of an injured employee about the circumstance of an injury in order to gather information necessary to identify a safety hazard.

(c) It is not a violation under this section for a railroad company or railroad employee to enforce safety regulations.

(d) A railroad or a person convicted of a violation of paragraph (a), clause (1) or (2), is guilty of a misdemeanor and may be fined not more than \$1,000 but is not subject to an incarcerative sanction.

History: 2005 c 136 art 17 s 50; 1Sp2005 c 1 art 4 s 116

NOTE: Paragraph (a), clause (1), was found preempted by the federal Railroad Safety Act in *BNSF Railway Co. v. Swanson*, 533 F.3d 618 (8th Cir. 2008).