§ 201-b. Fees for medical examination. 1. It shall be unlawful for any employer to require any applicant for employment to pay the cost of a medical examination required by the employer as a condition of original employment.

2. It shall be unlawful for any employer to require an employee, as a condition of continuation of employment, to pay the cost of any medical examination or the cost of furnishing any health certificate relating thereto where:

a. such employee is not covered by health insurance or the employee's health insurance does not cover such examination or certificate or the employer does not provide qualified medical personnel to conduct such examination without cost to the employee; and

b. such examination or certificate is not required pursuant to a state or federal statute or municipal ordinance or local law.

3. The term "employer" as used in this section shall mean and include an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within the state.

4. Nothing contained herein shall prohibit the parties to a collective bargaining agreement from inserting therein a provision requiring:

a. an applicant for employment to pay, in the first instance, the cost of such medical examination provided that such collective bargaining agreement also provides for the repayment of such cost by the employer to the applicant after a reasonable period of employment; and

b. an employee who is otherwise protected by the provisions of subdivision two of this section, to pay in the first instance the cost of such medical examination or of furnishing the health certificate provided that such collective bargaining agreement also provides for the repayment of such cost by the employer to the employee within a

reasonable time.

5. Any employer who violates the provisions of this section shall be liable to a penalty of not more than fifty dollars for each violation. It shall be the duty of the department of labor to enforce this section.