

**HOUSE CS FOR CS FOR SENATE BILL NO. 340 (JUDICIARY)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 5/12/92**

**Referred: Rules**

**Sponsor(s): SENATORS DUNCAN, Eliason, Jones, Uehling, Rodey, Shultz**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prohibiting employers from discriminating against individuals who use legal  
2 products in a legal manner outside of work."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* Section 1. AS 23.10 is amended by adding a new section to read:

5           Sec. 23.10.440. NONDISCRIMINATION FOR LAWFUL USE OF PRODUCTS. (a)  
6           An employer may not refuse to hire, discharge, or otherwise discriminate against an individual  
7           with respect to compensation, privileges, terms, or conditions of employment because the  
8           individual uses a lawful product in a lawful manner during nonworking hours and for the  
9           individual's personal consumption when not wearing or carrying clothing or other items that  
10           identify the individual as an employee of the employer and when in places other than the work  
11           site or the premises or vehicles of the employer.

12           (b) It is not unlawful or an unfair employment practice under this section for an employer  
13           to

14           (1) discharge an individual or otherwise disadvantage an individual with respect

1 to compensation, terms, conditions, or privileges of employment if that decision is based on the  
2 individual's failure to meet job performance standards including job performance standards based  
3 on the use of lawful products;

4 (2) offer, impose, or have in effect a health, disability, or life insurance policy that  
5 makes distinctions between employees for the type of coverage or the coverage based upon the  
6 employees' use of legal products; if differential premium rates apply,

7 (A) the differential premium rates charged employees must reflect a  
8 differential cost to the employer; and

9 (B) the employer shall provide employees with a written statement setting  
10 out the differential rates used by the insurance carriers.

11 (c) This section does not apply to a religious corporation, association, educational  
12 institution, or society with respect to the employment of individuals who perform work connected  
13 with the carrying on, by the religious entity, of its activities.

14 (d) This section does not supersede a federal or state law that protects the health, safety,  
15 or well-being of the general public.

16 (e) In this section,

17 (1) "employee" means a person employed by an employer;

18 (2) "employer" means a person, including the state and political subdivisions of  
19 the state, that employs 10 or more persons in the state.