

CS FOR HOUSE BILL NO. 62(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/12/93

Referred: Rules

Sponsor(s): REPRESENTATIVE GRUSSENDORF

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting employers from discriminating against individuals who use
2 legal 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. 23.10.450. NONDISCRIMINATION FOR LAWFUL USE OF
6 PRODUCTS. (a) An employer may not refuse to hire, discharge, or otherwise
7 discriminate against an individual with respect to compensation, privileges, terms, or
8 conditions of employment because the individual uses a lawful product in a lawful
9 manner during nonworking hours and for the individual's personal consumption when
10 not wearing or carrying clothing or other items that identify the individual as an
11 employee of the employer and when in places other than the work site or the premises
12 or vehicles of the employer.

13 (b) It is not a violation of this section for an employer to

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

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

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

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

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

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

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

17 (e) In this section,

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

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

21 (3) "premises of the employer" includes camps or other living
22 accommodations provided or maintained by the employer at or adjacent to the
23 worksite.