

**SENATE BILL NO. 69**

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS TAYLOR, Duncan

Introduced: 1/27/93  
Referred: I.&C, JUD

## 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 article 7 to read:

5 Sec. 23.10.445. 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 premises or vehicles of  
12 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;

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

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

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

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

14                (d) In this section,

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

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