

**CS FOR SENATE BILL NO. 69(JUD)****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE JUDICIARY COMMITTEE****Offered: 3/9/93****Referred: Rules****Sponsor(s): SENATORS TAYLOR, Duncan****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 (3) discharge an individual or otherwise disadvantage an individual with  
12 respect to compensation, terms, conditions, or privileges of employment if the  
13 individual fails to comply with an employer's reasonable standards of conduct, even  
14 during nonworking hours, where the employer can demonstrate a close relationship  
15 between the standards and the employer's business.

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

19 (d) In this section,

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

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

23 (3) "premises of the employer" includes camps or other living  
24 accommodations provided or maintained by the employer.