

CS FOR SENATE BILL NO. 69(JUD) am(1d S)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 3/15/93
Offered: 3/9/93

Sponsor(s): SENATORS TAYLOR, Duncan

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting employers from discriminating against individuals based on**
2 **the use of legal products."**

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 BASED ON THE USE OR NON-**
6 **USE OF PRODUCTS. (a) An employer may not refuse to hire, discharge, or**
7 **otherwise discriminate against an individual with respect to compensation, privileges,**
8 **terms, or conditions of employment because the individual uses a lawful product in a**
9 **lawful manner during nonworking hours and for the individual's personal consumption**
10 **when 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 or lack of use of legal products; if differential
6 premium 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) An employer may not refuse to hire, discharge, or otherwise discriminate
17 against an individual with respect to compensation, privileges, terms, or conditions of
18 employment because the individual does not use a lawful product.

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

22 (e) In this section,

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

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

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