

SB3475



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3475

Introduced 2/14/2020, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

820 ILCS 55/5

from Ch. 48, par. 2855

Amends the Right to Privacy in the Workplace Act. Provides that the Act does not apply to use of lawful products that could impair or is impairing (rather than which impairs) an employee's ability to perform the employee's assigned duties.

LRB101 20080 JLS 69612 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Right to Privacy in the Workplace Act is
5 amended by changing Section 5 as follows:

6 (820 ILCS 55/5) (from Ch. 48, par. 2855)

7 Sec. 5. Discrimination for use of lawful products
8 prohibited.

9 (a) Except as otherwise specifically provided by law,
10 including Section 10-50 of the Cannabis Regulation and Tax Act,
11 and except as provided in subsections (b) and (c) of this
12 Section, it shall be unlawful for an employer to refuse to hire
13 or to discharge any individual, or otherwise disadvantage any
14 individual, with respect to compensation, terms, conditions or
15 privileges of employment because the individual uses lawful
16 products off the premises of the employer during nonworking and
17 non-call hours. As used in this Section, "lawful products"
18 means products that are legal under state law. For purposes of
19 this Section, an employee is deemed on-call when the employee
20 is scheduled with at least 24 hours' notice by his or her
21 employer to be on standby or otherwise responsible for
22 performing tasks related to his or her employment either at the
23 employer's premises or other previously designated location by

1 his or her employer or supervisor to perform a work-related
2 task.

3 (b) This Section does not apply to any employer that is a
4 non-profit organization that, as one of its primary purposes or
5 objectives, discourages the use of one or more lawful products
6 by the general public. This Section does not apply to the use
7 of those lawful products that could impair or is impairing
8 ~~which impairs~~ an employee's ability to perform the employee's
9 assigned duties.

10 (c) It is not a violation of this Section for an employer
11 to offer, impose or have in effect a health, disability or life
12 insurance policy that makes distinctions between employees for
13 the type of coverage or the price of coverage based upon the
14 employees' use of lawful products provided that:

15 (1) differential premium rates charged employees
16 reflect a differential cost to the employer; and

17 (2) employers provide employees with a statement
18 delineating the differential rates used by insurance
19 carriers.

20 (Source: P.A. 101-27, eff. 6-25-19.)