

SB2945



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2945

Introduced 2/1/2012, by Sen. Dan Duffy

SYNOPSIS AS INTRODUCED:

410 ILCS 82/55
820 ILCS 55/5

from Ch. 48, par. 2855

Amends the Smoke Free Illinois Act and the Right to Privacy in the Workplace Act to exempt from certain prohibitions against discrimination any employer that, as its primary purposes or objectives, provides medical or hospital treatment to patients who have a cancerous condition.

LRB097 17926 RPM 63149 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Smoke Free Illinois Act is amended by
5 changing Section 55 as follows:

6 (410 ILCS 82/55)

7 Sec. 55. Discrimination prohibited. No individual may be
8 discriminated against in any manner because of the exercise of
9 any rights afforded by this Act. This Section does not apply to
10 any employer that, as its primary purposes or objectives,
11 provides medical or hospital treatment to patients who have a
12 cancerous condition.

13 (Source: P.A. 95-17, eff. 1-1-08.)

14 Section 10. The Right to Privacy in the Workplace Act is
15 amended by changing Section 5 as follows:

16 (820 ILCS 55/5) (from Ch. 48, par. 2855)

17 Sec. 5. Discrimination for use of lawful products
18 prohibited.

19 (a) Except as otherwise specifically provided by law and
20 except as provided in subsections (b) and (c) of this Section,
21 it shall be unlawful for an employer to refuse to hire or to

1 discharge any individual, or otherwise disadvantage any
2 individual, with respect to compensation, terms, conditions or
3 privileges of employment because the individual uses lawful
4 products off the premises of the employer during nonworking
5 hours.

6 (b) This Section does not apply to any employer that is a
7 non-profit organization that, as one of its primary purposes or
8 objectives, discourages the use of one or more lawful products
9 by the general public or to any employer that, as its primary
10 purposes or objectives, provides medical or hospital treatment
11 to patients who have a cancerous condition. This Section does
12 not apply to the use of those lawful products which impairs an
13 employee's ability to perform the employee's assigned duties.

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

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

21 (2) employers provide employees with a statement
22 delineating the differential rates used by insurance
23 carriers.

24 (Source: P.A. 87-807.)