

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 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 and  
10 except as provided in subsections (b) and (c) of this Section,  
11 it shall be unlawful for an employer to refuse to hire or to  
12 discharge any individual, or otherwise disadvantage any  
13 individual, with respect to compensation, terms, conditions or  
14 privileges of employment because the individual uses lawful  
15 products off the premises of the employer during nonworking  
16 hours.

17 (b) This Section does not apply to any employer that is a  
18 non-profit organization that, as one of its primary purposes or  
19 objectives, discourages the use of one or more lawful products  
20 by the general public. This Section does not apply to any  
21 for-profit employer that, as its sole business purpose or  
22 objective, provides medical or hospital treatment to patients  
23 who have a cancerous condition, and that refuses to hire or

1 discharges any individual, or otherwise disadvantages any  
2 individual, with respect to compensation, terms, conditions,  
3 or privileges of employment because the individual uses tobacco  
4 products, including cigarettes, pipes, cigars, chewing  
5 tobacco, snus, snuff, clove cigarettes, electronic cigarettes,  
6 and similar products. This Section does not apply to the use of  
7 those lawful products which impairs an employee's ability to  
8 perform the employee's assigned duties.

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.