

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1309

AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-9-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 12. Pregnancy and Childbirth Accommodation

Sec. 1. This chapter applies only to an employer who employs fifteen (15) or more persons.

Sec. 2. As used in this chapter, "pregnancy" or "pregnant" includes pregnancy, childbirth, or related medical conditions.

Sec. 3. (a) An employee may request, in writing, an accommodation relating to the employee's pregnancy from her employer.

(b) An employer must respond to an employee's request under subsection (a) within a reasonable time.

(c) Notwithstanding subsection (b), a request for an accommodation under subsection (a) does not:

(1) require an employer to provide an accommodation for an employee's pregnancy; or

(2) impose a duty or obligation upon the employer to provide an accommodation or an exception to the employer's policies; unless existing federal or state laws require that an accommodation must be made.

Sec. 4. (a) An employer may not:

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- (1) discipline;**
- (2) terminate; or**
- (3) retaliate against;**

an employee because the employee has requested or used an accommodation for the employee's pregnancy.

(b) The following actions may not be considered to be disciplinary or retaliatory under subsection (a):

- (1) An employer's attempt to accommodate an employee's request for accommodation under section 3(a) of this chapter.**
- (2) An employer's decision not to accommodate an employee's request for accommodation under section 3(a) of this chapter.**

Sec. 5. This chapter does not preempt, limit, diminish, or affect other state or federal laws concerning sex discrimination, pregnancy discrimination, family medical leave, disability, or childbirth discrimination.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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