



2015 ASSEMBLY BILL 970

March 3, 2016 - Introduced by Representatives SARGENT, BROSTOFF, JOHNSON, CONSIDINE and BERCEAU, cosponsored by Senator C. LARSON. Referred to Committee on Workforce Development.

1 **AN ACT to amend** 111.31 (1), 111.31 (2), 111.31 (3) and 111.321; and **to create**
2 111.32 (12i) and 111.363 of the statutes; **relating to:** employment
3 discrimination based on personal health care choices.

Analysis by the Legislative Reference Bureau

This bill prohibits employment discrimination based on personal health care choices. Current law prohibits discrimination in employment on the basis of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of a lawful product off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters. The bill adds personal health care choices to that list.

The bill specifies that employment discrimination because of personal health care choices includes an employer, labor organization, employment agency, licensing agency, or other person refusing to hire, employ, admit, or license an individual, barring or terminating an individual from employment, membership, or licensure, or discriminating against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because of any personal health care choices made or contemplated by or on behalf of the individual or a family member of the individual.

Under the bill, "personal health care choices" includes decisions made by or on behalf of an individual or a family member of an individual related to pregnancy, contraception, and reproductive health, including a decision to use or access, or to refrain from the use or access of, a particular drug, device, or medical service.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 111.31 (1) of the statutes is amended to read:

2 111.31 (1) The legislature finds that the practice of unfair discrimination in
3 employment against properly qualified individuals by reason of their age, race,
4 creed, color, disability, marital status, sex, national origin, ancestry, sexual
5 orientation, personal health care choices, arrest record, conviction record, military
6 service, use or nonuse of lawful products off the employer's premises during
7 nonworking hours, or declining to attend a meeting or to participate in any
8 communication about religious matters or political matters, substantially and
9 adversely affects the general welfare of the state. Employers, labor organizations,
10 employment agencies, and licensing agencies that deny employment opportunities
11 and discriminate in employment against properly qualified individuals solely
12 because of their age, race, creed, color, disability, marital status, sex, national origin,
13 ancestry, sexual orientation, personal health care choices, arrest record, conviction
14 record, military service, use or nonuse of lawful products off the employer's premises
15 during nonworking hours, or declining to attend a meeting or to participate in any
16 communication about religious matters or political matters, deprive those
17 individuals of the earnings that are necessary to maintain a just and decent standard
18 of living.

19 **SECTION 2.** 111.31 (2) of the statutes is amended to read:

20 111.31 (2) It is the intent of the legislature to protect by law the rights of all
21 individuals to obtain gainful employment and to enjoy privileges free from

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1 employment discrimination because of age, race, creed, color, disability, marital
2 status, sex, national origin, ancestry, sexual orientation, personal health care
3 choices, arrest record, conviction record, military service, use or nonuse of lawful
4 products off the employer's premises during nonworking hours, or declining to
5 attend a meeting or to participate in any communication about religious matters or
6 political matters, and to encourage the full, nondiscriminatory utilization of the
7 productive resources of the state to the benefit of the state, the family, and all the
8 people of the state. It is the intent of the legislature in promulgating this subchapter
9 to encourage employers to evaluate an employee or applicant for employment based
10 upon the individual qualifications of the employee or applicant rather than upon a
11 particular class to which the individual may belong.

12 **SECTION 3.** 111.31 (3) of the statutes is amended to read:

13 111.31 (3) In the interpretation and application of this subchapter, and
14 otherwise, it is declared to be the public policy of the state to encourage and foster
15 to the fullest extent practicable the employment of all properly qualified individuals
16 regardless of age, race, creed, color, disability, marital status, sex, national origin,
17 ancestry, sexual orientation, personal health care choices, arrest record, conviction
18 record, military service, use or nonuse of lawful products off the employer's premises
19 during nonworking hours, or declining to attend a meeting or to participate in any
20 communication about religious matters or political matters. Nothing in this
21 subsection requires an affirmative action program to correct an imbalance in the
22 work force. This subchapter shall be liberally construed for the accomplishment of
23 this purpose.

24 **SECTION 4.** 111.32 (12i) of the statutes is created to read:

ASSEMBLY BILL 970**SECTION 4**

1 111.32 (12i) "Personal health care choices" includes decisions made by or on
2 behalf of an individual or a family member of an individual related to pregnancy,
3 contraception, and reproductive health, including a decision to use or access, or to
4 refrain from the use or access of, a particular drug, device, or medical service.

5 **SECTION 5.** 111.321 of the statutes is amended to read:

6 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to
7 111.365, no employer, labor organization, employment agency, licensing agency, or
8 other person may engage in any act of employment discrimination as specified in s.
9 111.322 against any individual on the basis of age, race, creed, color, disability,
10 marital status, sex, national origin, ancestry, sexual orientation, personal health
11 care choices, arrest record, conviction record, military service, use or nonuse of lawful
12 products off the employer's premises during nonworking hours, or declining to
13 attend a meeting or to participate in any communication about religious matters or
14 political matters.

15 **SECTION 6.** 111.363 of the statutes is created to read:

16 **111.363 Personal health care choices; exceptions and special cases.**
17 Employment discrimination because of personal health care choices includes an
18 employer, labor organization, licensing agency, employment agency, or other person
19 refusing to hire, employ, admit, or license an individual, barring or terminating an
20 individual from employment, membership, or licensure, or discriminating against
21 an individual in promotion, in compensation, or in the terms, conditions, or
22 privileges of employment because of any personal health care choices made or
23 contemplated by or on behalf of the individual or a family member of the individual.

24 **SECTION 7. Initial applicability.**

