

HB 1058 -- DISCRIMINATORY PRACTICES BASED ON CERTAIN MEDICAL INFORMATION

SPONSOR: Fuchs

This bill specifies that a prohibited discriminatory employment practice occurs when:

(1) An employer fails or refuses to hire, discharges or otherwise discriminates against any individuals with respect to compensation or the terms, conditions, or privileges of employment because of their private medical history or medical choices;

(2) An employer takes any adverse employment action against an employee based on the private medical history or medical choice by an employee or employee's dependent;

(3) A labor organization excludes or expels from membership or otherwise discriminates against any applicant or member because of his or her private medical history or medical choices;

(4) An employment agency fails or refuses to refer for employment or otherwise discriminates against any individuals because of their private medical history or medical choices;

(5) An employer, labor organization, or employment agency prints or circulates any statement, advertisement, or publication, or makes any inquiry in connection with prospective employment, that expresses any preference, limitation, specification, or discrimination because of private medical history or medical choices, unless based upon a bona fide occupational qualification.

These prohibitions do not apply if the private medical history or medical choices of an individual directly impede the individual's ability to perform any essential job function.

This bill specifies that a prohibited discriminatory housing practice occurs when any:

(1) Person discriminates with respect to real estate transactions or loans against an individual because of his or her private medical history or medical choices;

(2) Person discriminates with respect to real estate financial assistance against an individual because of his or her private medical history or medical choices;

(3) Real estate broker or salesperson makes any statement concerning the entry into the neighborhood of an individual based on the individual's private medical history or medical choices;

(4) Person refuses to sell or rent to an individual because of his or her private medical history or medical choices;

(5) Person discriminates against an individual in the terms, conditions, or privileges of the sale or rental of a dwelling because of the individual's private medical history or medical choices;

(6) Person makes any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any discrimination based on private medical history or medical choices;

(7) Person represents to an individual, because of such individual's private medical history or medical choices, that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available; or

(8) Person denies an individual access to any multiple-listing service or real estate brokers' organization, or discriminates against him or her in the terms or conditions of the access on account of the individual's private medical history or medical choices.

Nothing in the bill prohibits a religious institution, corporation, association, society, health care facility, or educational institution with historic religious affiliation from:

(1) Prohibiting the provision of any reproductive health service on property owned or leased by it;

(2) Refusing to provide or pay for any reproductive health service to any patient, student, or employee;

(3) Establishing employment policies that include requirements that an employee follow certain medical guidelines that are reasonably based on the established religious beliefs or practices of the organization, so long as the policies apply uniformly to similarly situated employees;

(4) Refusing to provide health insurance coverage to any employee for any reproductive health service; or

(5) Refusing to sell or rent, property or to grant financial assistance to an individual whose private medical history or medical choices conflict with the religious beliefs or moral

convictions of the religious institution, corporation, association, society, health care facility, or educational institution with historic religious affiliation.