



127th MAINE LEGISLATURE

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Legislative Document

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H.P. 698

House of Representatives, March 19, 2015

**An Act To Prohibit Discrimination by Employers and Protect the
Privacy of an Applicant for Employment, an Employee or an
Employee's Dependents Regarding Reproductive Health Decisions**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: CAMPBELL of Newfield, HERBIG of Belfast, MELARAGNO of Auburn,
TIPPING-SPITZ of Orono, WARREN of Hallowell, WINSOR of Norway, Senators: BURNS
of Washington, GERZOFKY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA c. 7, sub-c. 2-B** is enacted to read:

3 **SUBCHAPTER 2-B**

4 **PROTECTION OF PRIVACY OF REPRODUCTIVE HEALTH**
5 **DECISIONS**

6 **§651. Discrimination prohibited**

7 A person, firm, corporation, unincorporated association, state agency, unit of local
8 government or any public or private entity may not discriminate with respect to
9 compensation, terms, conditions or privileges of employment against an employee, an
10 employee's dependent or an applicant for employment on the basis of the employer's
11 beliefs about a particular drug, device or medical service.

12 **§652. Adverse employment action prohibited**

13 An employer may not take any adverse employment action against an employee
14 based on the use of a particular drug, device or medical service related to the employee's
15 or the employee's dependent's reproductive health decisions. For purposes of this section,
16 "adverse employment action" includes but is not limited to termination, demotion or
17 refusal to promote or advance, removal from better or loss of career specialty,
18 reassignment to a different shift, reduction of wages or benefits, refusal to provide
19 training opportunities or transfer to a different department, adverse administrative action
20 or any other penalty or disciplinary or retaliatory action.

21 **§653. Privacy protected**

22 An employer may not obtain or inquire about an employee's personal information
23 regarding the employee's or the employee's dependent's reproductive health decisions,
24 including but not limited to a decision to use a particular drug, device or medical service,
25 without the employee's prior informed affirmative written consent.

26 **§654. Other rights and protections not limited**

27 Nothing in this chapter may be construed to limit any rights or protections against
28 employment discrimination of an employee provided through any other provision of law
29 or collective bargaining unit.

30 **SUMMARY**

31 This bill protects employees and employment applicants from discrimination based
32 on an employer's beliefs about a particular drug, device or medical service. It also
33 prohibits an employer from obtaining or inquiring about information about an employee's
34 or an employee's dependent's reproductive health decisions, including but not limited to a
35 decision to use a particular drug, device or medical service, without the employee's prior

1 informed affirmative written consent. The bill prohibits employers from taking any
2 adverse employment action against an employee based on the use of any particular drug,
3 device or medical service related to the employee's or the employee's dependent's
4 reproductive health decisions. No existing rights or protections against discrimination of
5 an employee provided through any other provision of law or collective bargaining unit
6 are limited by this chapter.