

West's Smith-Hurd Illinois Compiled Statutes Annotated
Chapter 820. Employment
General
Act 55. Right to Privacy in the Workplace Act (Refs & Annos)

820 ILCS 55/5
Formerly cited as IL ST CH 48 ¶ 2855

55/5. Discrimination for use of lawful products prohibited

Effective: June 25, 2019

[Currentness](#)

§ 5. Discrimination for use of lawful products prohibited.

(a) Except as otherwise specifically provided by law, including Section 10-50 of the Cannabis Regulation and Tax Act, and except as provided in subsections (b) and (c) of this Section, **it shall be unlawful for an employer to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual uses lawful products off the premises of the employer during nonworking and non-call hours. As used in this Section, "lawful products" means products that are legal under state law.** For purposes of this Section, an employee is deemed on-call when the employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.

(b) This Section does not apply to any employer that is a non-profit organization that, as one of its primary purposes or objectives, discourages the use of one or more lawful products by the general public. This Section does not apply to the use of those lawful products which impairs an employee's ability to perform the employee's assigned duties.

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

- (1) differential premium rates charged employees reflect a differential cost to the employer; and
- (2) employers provide employees with a statement delineating the differential rates used by insurance carriers.

Credits

P.A. 87-807, § 5, eff. July 1, 1992. Amended by P.A. 101-27, § 900-50, eff. June 25, 2019.

Formerly Ill.Rev.Stat.1991, ch. 48, ¶ 2855.

Notes of Decisions (1)

820 I.L.C.S. 55/5, IL ST CH 820 § 55/5

Current through P.A. 102-1140 of the 2022 Reg. Sess. Some statute sections may be more current, see credits for details.

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