

2007 ASSEMBLY BILL 258

April 10, 2007 – Introduced by Representatives NYGREN, MOULTON, ALBERS, BALLWEG, DAVIS, HINES, F. LASEE, LEMAHIEU, MONTGOMERY, MUSSER, A. OTT, PETERSEN, STRACHOTA, TAUCHEN and VOS, cosponsored by Senators COWLES, ROESSLER and SCHULTZ. Referred to Committee on Insurance.

1 **AN ACT** *to amend* 111.35 (3) (a) (intro.) and 111.35 (3) (b) (intro.) of the statutes;
2 **relating to:** permitting an employer to offer financial incentives to encourage
3 or discourage employee use of a lawful product.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on use or nonuse of a lawful product off the employer's premises during nonworking hours. Current law specifies, however, that it is not employment discrimination based on use or nonuse of a lawful product off the employer's premises during nonworking hours for an employer to offer a policy or plan of life, health, or disability insurance coverage under which the type or price of coverage for an individual who uses a lawful product differs from the type or price of coverage provided for an individual who does not use the lawful product.

This bill specifies that it is not employment discrimination based on use or nonuse of a lawful product off the employer's premises during nonworking hours for an employer to offer financial incentives related to employee health care benefits that are intended to encourage or discourage use of a lawful product.

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

4 **SECTION 1.** 111.35 (3) (a) (intro.) of the statutes is amended to read:

