AN ACT to amend the labor law, in relation to discrimination based on an employee's or a dependent's reproductive health decision making

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Section 1. The labor law is amended by adding a new section 203-e to read as follows:

   § 203-e. Prohibition of discrimination based on an employee's or a dependent's reproductive health decision making. 1. An employer shall be prohibited from accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

2. An employer shall not:

   (a) discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited
to, a decision to use or access a particular drug, device or medical
service; or
   (b) require an employee to sign a waiver or other document which
purports to deny an employee the right to make their own reproductive
health care decisions, including use of a particular drug, device, or
medical service.
3. An employer that provides an employee handbook to its employees
must include in the handbook notice of employee rights and remedies
under this section.
4. An employee may bring a civil action in any court of competent
jurisdiction against an employer alleged to have violated the provisions
of this section. In any civil action alleging a violation of this
section, the court may:
   (a) award damages, including, but not limited to, back pay, benefits
and reasonable attorneys' fees and costs incurred to a prevailing plain-
tiff;
   (b) afford injunctive relief against any employer that commits or
proposes to commit a violation of the provisions of this section;
   (c) order reinstatement; and/or
   (d) award liquidated damages equal to one hundred percent of the award
for damages pursuant to paragraph (a) of this subdivision unless an
employer proves a good faith basis to believe that its actions in
violation of this section were in compliance with the law.
5. Nothing in this section shall be construed to limit any rights of
an employee provided through any other provision of law, common law or
collective bargaining unit.
6. Any act of retaliation for an employee exercising any rights grant-
ed under this section shall subject an employer to separate civil penal-
ties under this section. For the purposes of this section, retaliation
or retaliatory personnel action shall mean discharging, suspending,
demoting, or otherwise penalizing an employee for:
   (a) making or threatening to make, a complaint to an employer,
co-worker, or to a public body, that rights guaranteed under this
section have been violated;
   (b) causing to be instituted any proceeding under or related to this
section; or
   (c) providing information to, or testifying before, any public body
conducting an investigation, hearing, or inquiry into any such violation
of a law, rule, or regulation by such employer.
§ 2. This act shall take effect immediately.