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HOUSE BILL NO. 2287

Offered January 21, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-27.3, relating to reproductive health care decisions; actions by employers against employees prohibited.*

Patron—Hope

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-27.3 as follows:

§ 40.1-27.3. Adverse action against employee for reproductive health care decisions prohibited.

A. As used in this section, unless the context requires a different meaning:

"Adverse action" includes the discharge, suspension, transfer, or demotion of any employee; the withholding of bonuses or the reduction in salary or benefits of any employee; any action taken to limit, segregate, or classify an employee in any way that would deprive or tend to deprive any individual of employment opportunities; or any other adverse action taken against an employee within the terms and conditions of employment by an employer.

"Reproductive health care decision" means any decision or action related to the use or intended use of (i) any drug, device, or product approved by the U.S. Food and Drug Administration for use as a contraceptive or (ii) any medical service for reproductive health care, including in vitro fertilization and abortion.

B. No employer shall access personal information regarding reproductive health care decisions of an employee, or a dependent of any employee, without the employee's prior informed affirmative written consent.

C. No employer shall take any adverse action against an employee solely on the basis of a reproductive health care decision made by the employee or a member of the employee's family.

D. An employee may bring an action in a court of competent jurisdiction over the employer that took adverse action against the employee in violation of this section. Any such action shall be brought within 180 days from the date of the employer's adverse action. The court may, in its discretion, award actual or punitive damages, including back pay with interest at the judgment rate as provided in § 6.2-302, or grant injunctive relief. The court may, in addition, award reasonable attorney fees incurred by the employee.

INTRODUCED

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