SPONSOR: Rep. Heffernan & Rep. Longhurst & Sen. Poore
Reps. Baumbach, Bennett, Bentz, Bolden, Briggs King, Keeley, Kowalko, Lynn, Mulrooney, Osienski, Paradee, B. Short, K. Williams; Sens. Bushweller, Cloutier, Peterson, Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 316

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT DISCRIMINATION BASED ON REPRODUCTIVE HEALTH DECISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 710 Definitions.

For the purposes of this subchapter:

(21) "Reproductive health decision" means any decision by an employee, an employee's dependent, or an employee's spouse related to the use or intended use of a particular drug, device, or medical service, including the use or intended use of contraception or fertility control or the planned or intended initiation or termination of a pregnancy.

Section 2. Amend § 711, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 711 Unlawful employment practices; employer practices.

(i) It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of a reproductive health decision by the individual, the individual's spouse, or any dependent of the individual.

Section 3. This bill shall take effect 6 months after the date of its enactment.

SYNOPSIS

This bill prohibits discrimination in employment based upon an individual's reproductive health decisions. Delaware laws currently prohibit discrimination on the basis of sex or pregnancy; however, this legislation makes it clear that an employer is expressly prohibited from taking adverse employment action against an individual based on his or her reproductive health care decisions. This bill does not create any new obligations or change any existing obligations related to insurance coverage of reproductive health care. This bill seeks to ensure that all workers should be judged on their performance at work, as opposed to their personal reproductive health care decisions.

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