

organizations rather. And we had some discussion with regard to Senator Maurstad raised some points at the end of the day. We closed because, basically, we ran out of time over the lunch hour and did not...were not able to bring the bill to a vote. Senator Maurstad raised the issue of whether or not the bill wasn't actually, because I think I phrased it in an Orwellian kind of point of view saying that it was a 1984 approach, with employers having the ability to reach outside the scope of employment to impact the behavior of their employees. And in certain cases that's necessary. Senator Maurstad rightly raised that point saying that there are certain cases where the employer has to have that ability. And I agree with that. And I would argue, I didn't have a chance to respond when he made those comments yesterday, but I would argue that that's taken care of in the bill. If you look at subsection (4) of Section 4, and it's found on page 3 of the green copy of the bill, it...and Section 4 says that Section 1 and 2 of this act do not prohibit employers from, and it goes through the list of things that employers still can do, such as establish product-use policies; they can establish permissible blood content levels for prescription drugs, things like that; they can have the ability to have a health, life or a disability plan that singles out those individuals who use certain types of products. And what we're talking about here, basically, is you're going to have a difference in premium for those folks who smoke, that's the type of an example that falls in that category. But in subsection (4) of Section 4, it says that, and you got to go back to Section 4, and it says nothing in 1 or 2 shall prohibit...of this act do not prohibit employers from establishing and enforcing policies regarding employees using lawful products outside the employer's presence...premises, excuse me, during nonworking hours when such policies are communicated to the employee, relate to use of a lawful product and involve (a) an employer's duties and obligations required by law, (b) compliance with fiduciary responsibilities, or (c) a legitimate conflict-of-interest policy designated to protect the employer's trade secrets, proprietary information or other proprietary interests. And I would argue that that subsection (4) of Section 4 is the kind of catchall that Senator Maurstad alluded to in terms of being worried about the areas that employers feel, look, there are certain things we want to make sure that our employees don't do. We don't necessarily want them to be drinking with the enemy, as Senator Chambers put it.

SPEAKER WITHEM: One minute, Senator Hall.