

By Mr. Owens, petition (accompanied by bill, Senate, No. 773) of Bill Owens, Michael LoPresti, Jr., Shirley Owens-Hicks, Raymond A. Jordan, Jr., Byron Rushing, Gloria L. Fox, Alvin E. Thompson and Nelson Merced for legislation to prohibit discrimination based on AIDS, so-called. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT PROHIBITING DISCRIMINATION BASED ON AIDS SO-CALLED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. It is hereby declared to be the policy of the
2 commonwealth to prevent and eliminate discrimination based on
3 a person having acquired immune deficiency syndrome, or having
4 the associated conditions AIDS related complex.

5 The intent of this act is to protect such persons from
6 discrimination in all areas of employment, housing, education,
7 medical treatment, health care, insurance, imprisonment, or any
8 other human activity whether public or private.

1 SECTION 2. As used in this chapter the following words and
2 phrases shall have the following meanings:

3 "AIDS", acquired immune deficiency syndrome or any related
4 disease or virus;

5 "ARC", AIDS related complex;

6 "Employer", any person or organization, public or private,
7 charitable or non-charitable, profit or non-profit, including the
8 commonwealth and all of its political subdivisions which hire a
9 person for employment;

10 "Labor organization", any organization which is constituted for
11 and exists for the purpose, in whole or in part, of collective
12 bargaining or of dealing with employers concerning grievances,
13 terms or conditions of employment, or other mutual aid or
14 protection in connection with employment.

1 SECTION 3. An employer shall not: fail to hire or refuse to
2 hire an applicant; discriminate against an employee in
3 compensation or conditions of employment; or limit, segregate
4 or classify an employee or an applicant because of AIDS. An
5 employment agency may not fail or refuse to hire any person
6 because of AIDS. A labor organization shall not: exclude or expel;
7 limit, segregate, or classify; fail or refuse to employ any person
8 because of AIDS. No employer, employment agency, labor
9 organization, or joint labor-management committee shall require
10 a test for AIDS as a condition of employment.

1 SECTION 4. Health and life insurers shall not: fail or refuse
2 to insure or renew a policy; discontinue current coverage; use
3 testing as a precondition for policy issuance; apply special rates,
4 terms or conditions of coverage; limit, segregate or classify
5 claimants or applicants; deny any person health or death benefits
6 because of AIDS. Insurers shall not classify AIDS and AIDS-
7 related illnesses as pre-existing conditions.

1 SECTION 5. No health care provider shall: fail or refuse to
2 treat or discharge from treatment; apply special rates or
3 conditions of service; limit, segregate or classify patients because
4 of AIDS or any test for AIDS, ARC, or AIDS-related infection
5 or illness.

1 SECTION 6. No home owner, lessor, tenant, or other person
2 shall: alter rates or conditions of dwelling, evict, or refuse to sell,
3 rent, lease, or hire out to any person; or limit, segregate or classify
4 buyers, lessees, renters, or licensees in any way that would deprive
5 any person of a dwelling because of AIDS.

1 SECTION 7. No person or organization shall require an AIDS
2 test as a condition of any right, or use AIDS test to deprive any
3 person of any right secured by this act, the Constitution of the
4 United States or the commonwealth, or any statute.

1 SECTION 8. No person or organization shall deny equal
2 enjoyment of any public facility or state service because of AIDS
3 or associated diseases.

1 SECTION 9. No person with or suspected of having AIDS, or
2 in a high risk group for having AIDS, shall be quarantined or
3 institutionalized for purposes of quarantine, solely on the basis
4 of AIDS.

1 SECTION 10. This act shall not be construed to prohibit any
2 act necessary to protect the public health and safety in a manner
3 consistent with the provisions of this act.

1 SECTION 11. No person shall be discriminated against
2 because such person associates with someone who has AIDS or
3 AIDS-related diseases. No person shall discriminate or retaliate
4 against someone who: opposes practices outlawed by this act;
5 supports its provisions or its enforcement; files a complaint with
6 any government agency or in any court; or testifies, assists, or
7 participates in any investigation, proceeding, or litigation
8 resulting from application of this act.

1 SECTION 12. A person discriminated against by any violation
2 of this act may bring an action in the district court where such
3 person resides or where the violation occurred, to recover money
4 damages for such injury.

