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## Policy & Ethics

Policy and Legislation **State Legislation: Genetic Information and the Workplace**

### Genetic Information and the Workplace Enacted State Legislation

Information on this chart reviewed May 1, 2003.

State	Citation	Description
Arizona (1997)	H 2144	<p>Prohibits the release of the results of a genetic test without consent.</p> <p>Prohibits employers from failing or refusing to hire, from discharging or from otherwise discriminating on the basis of the results of a genetic test.</p> <p>Genetic test: An analysis of an individual's DNA, gene products or chromosomes that indicates a propensity for or susceptibility to illness, disease, impairment or other disorders, whether physical or mental, or that demonstrates genetic or chromosomal damage due to environmental factors, or carrier status for disease or disorder.</p> <p>Genetic condition: A specific chromosomal or single-gene genetic condition.</p> <p>Provides that the court, in the instance that genetic testing information is subpoenaed or obtained pursuant to court order, shall take all steps necessary to prevent the disclosure or dissemination of that information.</p> <p>Prohibits a person to whom test results have been disclosed pursuant to this article, other than the person tested, from disclosing the test results to any other person, except as specifically provided in this article.</p> <p>Prohibits a genetic test from being conducted on an unemancipated minor without the consent of the parent or legal guardian of the minor.</p> <p>Provides that the physician who orders the genetic testing of an unemancipated minor shall notify the child's parent or legal guardian of the results of the test.</p> <p>Prohibits a health care provider from conducting a genetic test on a person unless the health care provider first obtains written</p>

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**See Also:**

- [Insurance Discrimination State legislation](#)
- [Federal Policy Insurance and discrimination](#)
- [Federal Policy Privacy of genetic information](#)
- [Genetic Discrimination Employment Resources, re NHGRI-funded](#)

informed consent from the person to be tested or from the person's authorized representative.

Provides that information and records held by a state agency or a local health authority relating to genetic testing information are confidential and are exempt from the public copying and inspection requirements.

Prohibits a state agency or local health authority from releasing or making available to the public genetic testing information and records.

Genetic test/genetic testing: A test of a person's genes, genetic sequence, gene products or chromosomes for abnormalities or deficiencies, including carrier status, that:

- a. Are linked to physical or mental disorders or impairments
- b. Indicate a susceptibility to any illness, disease, impairment or other disorder, whether physical or mental
- c. Demonstrate genetic or chromosomal damage due to any environmental factor

Does not include:

- a. Chemical, blood and urine analyses that are widely accepted and used in clinical practice and that are not used to determine genetic traits.
- b. Tests used in a criminal investigation or prosecution or as a result of a criminal conviction.
- c. Tests for the presence of the human immunodeficiency virus.
- d. Tests to determine paternity
- e. Tests given for use in biomedical research that is conducted to generate scientific knowledge about genes or to learn about the genetic basis of disease or for developing pharmaceutical and other treatment of disease.

Arizona  
(2000)

HB 2041

Provides that genetic testing and information derived from genetic testing are confidential and considered privileged to the person tested and shall be released only to:

1. The person tested
2. Any person who is specifically authorized in writing by the person tested or by that person's authorized representative to receive this information.
3. The authorized representative of the person tested
4. A researcher for medical research or public health purposes
5. A third person if approved by a human subjects review committee or a human ethics committee, with respect to persons who are subject to an Arizona cancer registry.

6. An authorized agent or employee of a health care provider if
  - a. The health care provider performs the test or is authorized to obtain the test results by the person tested for the purposes of genetic counseling or treatment.
  - b. The agent or employee provides patient care, treatment or counseling.
  - c. The agent or employee needs to know the information in order to conduct the test or provide patient care, treatment or counseling.
7. A health care provider that procures, processes, distributes or uses:
  - a. A human body part from a deceased person with respect to medical information regarding that person
  - b. Semen or ova for the purpose of artificial insemination
8. A health care provider to conduct utilization review, peer review and quality assurance
9. Authorized agent of a federal, state or county health department to conduct activities specifically authorized pursuant to the laws of this state for the birth defects registry, children's rehabilitative services, newborn screening and sickle cell diagnosis and treatment programs and chronic, environmentally-provoked and infectious disease programs.
10. The legal representative of a health care provider that is in possession of the medical record.
11. A health care provider that assumes the responsibility to provide care for, or consultation to, the patient from another health care provider that had access to the patient's genetic records.

Provides that the court, in the instance that genetic testing information is subpoenaed or obtained pursuant to court order, shall take all steps necessary to prevent the disclosure or dissemination of that information.

Prohibits a person to whom test results have been disclosed pursuant to this article, other than the person tested, from disclosing the test results to any other person, except as specifically provided in this article.

Prohibits a genetic test from being conducted on an unemancipated minor without the consent of the parent or legal guardian of the minor. Provides that the physician who orders the genetic testing of an unemancipated minor shall notify the child's parent or legal guardian of the results of the test.

Prohibits a health care provider from

conducting a genetic test on a person unless the health care provider first obtains written informed consent from the person to be tested or from the person's authorized representative.

Provides that information and records held by a state agency or a local health authority relating to genetic testing information are confidential and are exempt from the public copying and inspection requirements.

Prohibits a state agency or local health authority from releasing or making available to the public genetic testing information and records.

Genetic test/genetic testing: A test of a person's genes, genetic sequence, gene products or chromosomes for abnormalities or deficiencies, including carrier status, that:

- a. Are linked to physical or mental disorders or impairments
- b. Indicate a susceptibility to any illness, disease, impairment or other disorder, whether physical or mental
- c. Demonstrate genetic or chromosomal damage due to any environmental factor

Does not include:

- a. Chemical, blood and urine analyses that are widely accepted and used in clinical practice and that are not used to determine genetic traits.
- b. Tests used in a criminal investigation or prosecution or as a result of a criminal conviction.
- c. Tests for the presence of the human immunodeficiency virus.
- d. Tests to determine paternity. Tests given for use in biomedical research that is conducted to generate scientific knowledge about genes or to learn about the genetic basis of disease or for developing pharmaceutical and other treatment of disease.

Arkansas  
(2001)

SB 766

An employer shall not seek to obtain, or use a genetic test or genetic information of the employee or the prospective employee for the purposes of distinguishing between or discriminating against or restricting any right or benefit otherwise due or available to an employee or prospective employee.

An employer shall not require a genetic test of or require genetic information from the employee or prospective employee for the purposes of distinguishing between or discrimination against or restricting any right or benefit otherwise due or available to an employee or prospective employee.

This subchapter shall not apply to an insurer or to an individual or third-party dealing with an insurer in the ordinary course of underwriting, conducting, or administering the business of life, disability income, or long-term care insurance, including, but not limited to, actions taken by an insurer or to an individual or third-party dealing with an insurer in connection with life, disability income, or long-term care insurance made available by an employer to its employees.

Definition of genetic test: (A) a laboratory test of the DNA, RNA, or chromosomes of an individual for the purpose of identifying the presence or absence of inherited alterations in the DNA, RNA, or chromosomes that cause a predisposition for a clinically recognized disease or disorder. (B) Genetic test shall not include: (i) Routine physical examination or a routine test performed as part of a physical examination; (ii) Chemical, blood, or urine analysis; (iii) Test to determine drug use; (iv) Test for the presence of the human immunodeficiency virus; or (v) Any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

Definition of genetic information: (A) Genetic information means information derived from the results of a genetic test. (B) Genetic information shall not include: (i) Family history; (ii) Results of a routine physical examination or test; (iii) Results of a chemical, blood or urine analysis; (iv) Results of a test to determine drug use; (v) Results of a test for the presence of the human immunodeficiency virus; or (vi) Results of any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

California  
(1998)

S 654

On the basis of genetic characteristics, it is an unlawful employment practice for an employer to refuse to hire or employ, refuse to select a person for a training program leading to employment or to bar or to discharge a person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions or privileges of employment.

Definition of genetic characteristics: Genetic characteristics means any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or is determined to be associated with a statistically increased risk of development of a disease or disorder, or inherited characteristics that may derive from the individual or family member that is presently not associated with any symptoms of any disease or disorder.

Connecticut (1998) S 80 Prohibits employers, employment agencies or any labor organization from: (A) requesting or requiring genetic information from an employee, person seeking employment or member; or (B) discharging, expelling or otherwise discriminating against any person on the basis of genetic information.

Definition of genetic information: The information about genes, gene products or inherited characteristics that may derive from an individual or a family member.

Delaware (1998) S 337 Prohibits an employer, employment agency, labor union or joint labor-management committee controlling apprenticeship or other training or retraining, including on the job training programs to intentionally collect, directly or indirectly, any genetic information concerning any employee or applicant for employment, or any member of their family, unless: (1) it can be demonstrated that the information is job related and consistent with business necessity; or (2) the information or access to the information is sought in connection with the retirement policy or system of any employer or the underwriting or administration of a bona fide employee welfare or benefit plan.

Definition of genetic characteristic: *Note: This definition varies from the definition contained in separate confidentiality legislation - see \* below.* Any inherited gene or chromosome or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome.

\* Definition of genetic characteristic in *confidentiality* legislation: Any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome. This includes, but is not limited to, information regarding carrier status, information regarding an increased likelihood of future disease or increased sensitivity to any substance, information derived from laboratory tests that identify mutations in specific genes or chromosomes, requests for genetic services or counseling, tests of gene products, and direct analysis of genes or chromosomes.

Definition of genetic information in discrimination legislation: *Note: This definition varies from the definition contained in separate confidentiality legislation - see \* \* below.* Information about inherited genes or

chromosomes, and of alterations thereof, whether obtained from an individual or family member, that is scientifically or medically believed to predispose an individual to disease, disorder or syndrome, or believed to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome, or believed to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome. This includes, but is not limited to, information regarding carrier status, information regarding an increased likelihood of future disease or increased sensitivity to any substance, information derived from laboratory tests that identify mutations in specific genes or chromosomes, requests for genetic services or counseling, tests of gene products, and direct analysis of genes or chromosomes.

**\*\* Definition of genetic information in confidentiality legislation:** Information about inherited genes or chromosomes, and of alterations thereof, whether obtained from an individual or family member, that is scientifically or medically believed to predispose an individual to disease, disorder or syndrome, or believed to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome.

Florida (1978) FL ST: § 448.075

Prohibits any person, firm, corporation, unincorporated association, state agency, unit of local government or any public or private entity from denying or refusing employment to any person or discharge any person from employment based on sickle-cell trait.

**Genetic information:** Information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is asymptomatic at the time of testing. Such testing does not include routine physical examinations or chemical, blood, or urine analysis, unless conducted purposefully to obtain genetic information, or questions regarding family history.

Illinois (1997) H 008

Genetic testing and information derived from genetic testing is confidential and privileged and may be released only to the individual tested and to persons specifically authorized in writing by that individual.

An employer shall treat genetic testing information in such a manner that is consistent with the requirements of federal

law, including but not limited to the Americans with Disabilities Act.

No person may disclose or be compelled to disclose the identity of any person upon whom a genetic test is performed or the results of a genetic test in a manner that permits identification of the subject of the test, except as provided by law.

Provides for a private right of action.

Genetic test: A test of a person's genes, gene products or chromosomes for abnormalities or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or demonstrate genetic or chromosomal damage due to environmental factors. Genetic testing does not include routine physical measurements; chemical, blood and urine analyses that are widely accepted and in use in clinical practice, tests for use of drugs, and tests for the presence of the human immunodeficiency virus.

Iowa (1992)

IA ST: §  
729.6

An employer, employment agency, labor organization, licensing agency or its employees, agents or members shall not directly or indirectly do any of the following:

- Solicit, require or administer a genetic test to a person as a condition of employment, preemployment application, labor organization membership or licensure;
- Affect the terms, conditions or privileges of employment, preemployment application, labor organization membership or licensure or terminate the employment, labor organization membership or licensure of any person who obtains a genetic test.

Prohibits the selling or interpreting of a genetic test for an employer, employment agency, labor organization or licensing agency, except as provided.

Provides for genetic testing if there is written informed consent and if the purpose is for investigating a workers' compensation claim or determining an employee's susceptibility to toxic chemicals or substances in the workplace.

Prohibits agreements for employment, labor organization membership, licensure or any pay or benefit in return for taking a genetic test.



		<p>Genetic test: A test of a person's genes, gene products, or chromosomes, for abnormalities or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments or that indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or that demonstrate genetic or chromosomal damage due to environmental factors.</p>
Kansas (1999)	SB 22	<p>Prohibits employers from seeking to obtain, obtaining or using genetic screening or testing information of an employee or a prospective employee to distinguish between or discriminate against or restrict any right or benefit otherwise due or available to an employee or a prospective employee.</p> <p>Prohibits employers from directly or indirectly subjecting any employee or prospective employee to any genetic screening or test.</p> <p>Definition of genetic screening or testing: A laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.</p>
Louisiana (1982)	LA ST 23:1001- 1004	<p>Prohibits employers from failing or refusing to hire, or discharging any individual because such individual has sickle cell trait.</p> <p>Prohibits employers from discriminating against any individual with respect to compensation, terms, conditions or privileges of employment due to sickle cell trait.</p> <p>Prohibits employers from limiting, segregating or classifying employees due to sickle cell trait.</p> <p>Prohibits employers from reducing the wage rate of any employee due to sickle cell trait.</p> <p>Prohibits labor organizations from excluding, expelling or otherwise discriminating against any individual due to sickle cell trait.</p> <p>Prohibits labor organizations from limiting, segregating or classifying its membership based on sickle cell trait.</p> <p>Prohibits labor organizations from causing an employer to discriminate based on sickle cell trait.</p> <p>Provides for legal or equitable relief for</p>

violations of this statute.

Maine (1998) S.P. 384

Prohibits an employer from failing or refusing to hire, discharge or otherwise discriminate against an employee or applicant with respect to compensation, terms or conditions of employment on the basis of genetic information concerning that individual or because of the individual's refusal to submit to a genetic test or make available the results of a genetic test or on the basis that the individual received a genetic test or genetic counseling, except when based on a bona fide occupational qualification.

Genetic information: The information concerning genes, gene products or inherited characteristics that may be obtained from an individual or family member.

Genetic test: A test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as deoxyribonucleic acid, or DNA, ribonucleic acid, or RNA, or mitochondrial DNA, and tests of chromosomes or proteins in order to identify a predisposing genetic characteristic.

Maryland (2001) S 2/HB 18

It shall be 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 the individual's compensation, terms, conditions, or privileges of employment, because of the individual's refusal to submit to a genetic test or make available the results of a genetic test.

It shall be unlawful employment practice for an employer to limit, segregate, or classify its employees in a way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of the individual's genetic information or because of the individual's refusal to submit to a genetic test or make available the results of a genetic test unrelated in nature and extent so as to reasonably preclude the performance of the employment or because of the individual's refusal to submit to a genetic test or make available the results of a genetic test.

It shall be unlawful employment practice for an employer to request or require genetic tests or genetic information as a condition for hiring or determining benefits.

Definition of genetic test: Genetic test means a laboratory test of human chromosomes, genes, or gene products that is used to identify the presence or absence of inherited or congenital alterations in genetic material that are associated with disease or illness.

Definition of genetic information: Genetic information means information: 1. About chromosomes, genes, gene products, or inherited characteristics that may derive from an individual or a family member; 2. Obtained for diagnostic and therapeutic purposes; and 3. Obtained at a time when the individual to whom the information relates is asymptomatic for the disease. Genetic information does not include: 1. Routine physical measurements; 2. Chemical, blood, and urine analyses that are widely accepted and used in clinical practice; 3. Tests for use of drugs; or 4. Tests for the presence of the human immunodeficiency virus.

Massachusetts HB 5416  
(2000)

Synopsis of Bill: An act relative to insurance and genetic testing and privacy protection.

Provisions of Bill:

- Requires prior written consent before a person can be tested for genetic information.
- Requires prior written consent before the results of a genetic test can be disclosed. (Exception to the subject of the information or for epidemiological or clinical research.)
- Prohibits employers, employment agencies, labor organizations or licensing agencies from refusing to hire or employ, represent, grant membership to, or license a person on the basis of that person's genetic information.
- Prohibits health insurers from canceling, refusing to issue or renew, discriminating in the amount of payment of premiums or rates charged, discriminating in the length of coverage, or discriminating in any other terms and conditions based on genetic information.
- Prohibits health and long term care insurers from requiring genetic tests or genetic information.
- Prohibits long term care insurers from unfair discrimination based on the results of a genetic test or the provisions of genetic information.
- Prohibits life insurers from unfair discrimination because of the results of a genetic test or the provision of genetic information.
- Prohibits life insurers from requiring genetic tests.
- Requires the Department of Public Health and the Division of Insurance to establish a special commission to investigate the use of genetic test results in connection with the issuance of life, disability, and long term care insurance. Requires the commission to report by July 1, 2002.

**Definition of genetic test:** A test of human DNA, RNA, mitochondrial DNA, chromosomes or proteins for the purpose of identifying genes, inherited or acquired genetic abnormalities, or the presence or absence of inherited or acquired characteristics in genetic material. For the purpose of this section, the term genetic test shall not include tests given for drugs, alcohol, cholesterol, or HIV; or any test for the purpose of diagnosing or detecting an existing disease, illness, impairment or disorder.

**Definition of genetic information:** Any written or recorded individually identifiable result of a genetic test as defined by this section or explanation of such a result. For purposes of this section, the term genetic information shall not include any information about an identifiable person that is taken:

1. as a biopsy, autopsy, or clinical specimen solely for the purpose of conducting an immediate clinical or diagnostic test that is not a test of DNA, RNA, mitochondrial DNA, chromosomes or proteins;
2. as a blood sample solely for blood banking;
3. as a newborn screening pursuant to section 110A;
4. as confidential research information for use in epidemiological and clinical research conducted for the purpose of generating scientific knowledge about genes or learning about genes or learning about the genetic basis of disease or for developing pharmaceutical and other treatments of disease; or
5. as information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

**Definition of prior written consent:** A written consent form signed by the person who is the subject of the test or, if that person lacks capacity to consent, signed by the person authorized to consent for such person which form shall not be a general waiver or consent for genetic testing and which shall include:

1. a statement of the purpose of the test;
2. a statement that prior to signing the consent form, the consenting person discussed with the medical practitioner ordering the test the reliability of positive or negative test results and the level of certainty that a positive test result for that disease or condition serves as a predictor of such disease;
3. a statement that the consenting person was informed about the availability and importance of genetic counseling and

- provided with written information identifying a genetic counselor or medical geneticist from whom the consenting person might obtain such counseling;
4. a general description of each specific disease or condition tested for; and
  5. the person or persons to whom the test results may be disclosed.

Definition of informed written consent: A written consent form for the requested release of a person's genetic information, or the release of genetic information, or for the release of medical records containing such information. Such written consent form shall state the purpose for which the information is being requested and shall be distinguished from written consent for the release of any other medical information.

Michigan  
(1997)

E.O. 9714

Establishes the Michigan Commission on Genetic Privacy and Progress.

Provides that the Commission shall recommend model state statutory and administrative policies which protect the privacy of genetic information, prevent discrimination based upon such genetic information in the areas of employment, health care, health care insurance.

Provides that no later than November 15, 1998, the Commission shall issue a final report to the Governor and the legislature.

Michigan  
(2000)

SB 815

Prohibits an employer from failing or refusing to hire, recruit, or promote an individual because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

Prohibits an employer from discharging or otherwise discriminating against an individual with respect to compensation or the terms, conditions, or privileges of employment, because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

Prohibits an employer from limiting, segregating, or classifying an employee or applicant for employment in a way which deprives or tends to deprive an individual of employment opportunities or otherwise adversely affects the status of an employee because of a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position.

Prohibits an employer from requiring an individual to submit to a genetic test or to

provide genetic information as a condition of employment or promotion.

Does not prohibit an individual from voluntarily providing to an employer genetic information that is related to the employee's health or safety in the workplace, nor does it prohibit an employer from using genetic information received from an employee under this subsection to protect the employee's health or safety.

This shall not apply to the employment of an individual by his or her parent, spouse, or child.

No employer may directly or indirectly acquire or have access to any genetic information concerning an employee or applicant for employment, or a member of the employee's or applicant's family.

Genetic information: Information about a gene, gene product, or inherited characteristic of an individual derived from the individual's family history or a genetic test.

Genetic test: The analysis of human DNA, RNA, chromosomes, and those proteins and metabolites used to detect heritable or somatic disease - related genotypes or karyotypes for clinical purposes. A genetic test must be generally accepted in the scientific and medical communities as being specifically determinative for the presence, absence, or mutation of a gene or chromosome in order to qualify under this definition. Genetic test does not include a routine physical examination or a routine analysis, including, but not limited to, a chemical analysis, of body fluids, unless conducted specifically to determine the presence, absence, or mutation of a gene or chromosome.

Minnesota  
(2001)

SF 1721  
and HF  
1886

No employer shall directly or indirectly administer a genetic test or request, require, or collect protected genetic information regarding a person as a condition of employment.

No employer shall directly or indirectly affect the terms or conditions of employment or terminate the employment of any person based on protected genetic information.

No person shall provide or interpret for any employer protected genetic information on a current of prospective employee.

Any person aggrieved by a violation of this section may bring a civil action, in which the court may award: (1) up to three times the actual damages suffered due to the violation;

(2) punitive damages; (3) reasonable costs and attorney fees; and (4) injunctive or other equitable relief as the court may deem appropriate.

Definition of genetic test: Genetic test means a test of a person's genes, gene products, or chromosomes for abnormalities or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to disease, impairment, or other disorders, whether physical or mental, or that demonstrate genetic or chromosomal damage due to environmental factors.

Definition of protected genetic information: Protected genetic information means: (1) information about a person's genetic test; or (2) information about a genetic test of a blood relative of a person.

Missouri  
(1998)

MO ST:  
375.1306

Prohibits an employer from using genetic information or genetic test results of an employee or prospective employee to distinguish between, discriminate against, or restrict any right or benefit otherwise due or available to such employee or prospective employee. Does not prohibit employers from using genetic information when such information is directly related to a person's ability to perform assigned job responsibilities. Genetic information: The results of a genetic test. Genetic information shall not include family history, the results of routine physical measurements, or the results of chemical, blood, urine analysis, or the results of tests for drugs or the presence of the human immunodeficiency virus, or from results of any other tests commonly accepted in clinical practice at the time. Genetic test: A laboratory test of human deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) used to identify the presence or absence of inherited alterations in the DNA or RNA which cause predisposition to disease or illness. The term does not include routine physical measurements and examinations, routine tests performed as a part of a physical examination, chemical, blood or urine analysis, cholesterol tests, tests for the presence of the human immunodeficiency virus, a test for drugs, or tests commonly accepted in clinical practice at the time.

Prohibits an employer from using genetic information or genetic test results of an employee or prospective employee to distinguish between, discriminate against, or restrict any right or benefit otherwise due or available to such employee or prospective employee.

Does not prohibit underwriting in connection with individual or group life, disability income

or long-term care insurance.

Does not prohibit any action required or permissible by law or regulation.

Does not prohibit action taken with the written permission of an employee or prospective employee or such person's authorized representative.

Does not prohibit employers from using genetic information when such information is directly related to a person's ability to perform assigned job responsibilities.

Genetic information: The results of a genetic test. Genetic information shall not include family history, the results of routine physical measurements, or the results of chemical, blood, urine analysis, or the results of tests for drugs or the presence of the human immunodeficiency virus, or from results of any other tests commonly accepted in clinical practice at the time.

Genetic test: A laboratory test of human deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) used to identify the presence or absence of inherited alterations in the DNA or RNA which cause predisposition to disease or illness. The term does not include routine physical measurements and examinations, routine tests performed as a part of a physical examination, chemical, blood or urine analysis, cholesterol tests, tests for the presence of the human immunodeficiency virus, a test for drugs, or tests commonly accepted in clinical practice at the time.

Nebraska  
(1997)

L.B. 111

Establishes the Nebraska Commission on Human Genetic Technologies.

Provides that the Commission shall gather data about the impact of human genetic conditions and technologies in Nebraska. The data shall be gathered by requesting information from public and private sources, holding public hearings and other methods adopted by the Commission.

Provides that the Commission shall study laws and other public initiatives in other states, including any information available about the impact and effectiveness of such laws and initiatives, and shall make specific recommendations to the Legislature regarding legislation.

Provides that the Commission shall encourage improvements in the education available in Nebraska at all levels about human genetics, genetic tests and their meanings, causes and prevention of genetic discrimination, the



positive value of human genetic diversity, the quality and availability of support services for persons with human genetic conditions, including counseling and peer support, and the effective use of human genetic information in the criminal justice system in a way that fully protects an individual's civil rights and privacy.

Provides for the cessation of the Commission on January 1, 1999.

Nebraska  
(2001)

LB 432

Employers are prohibited from failing or refusing to hire, recruit, or promote an employee because of genetic information that is unrelated to the ability to perform the duties of a particular job or position.

Employers are prohibited from discharging or otherwise discriminating against an employee with respect to compensation or the terms, conditions, or privileges of employment because of genetic information that is unrelated to the ability to perform the duties of a particular job or position.

Employers are prohibited from limiting, segregating, or classifying an employee or applicant for employment in a way that deprives or tends to deprive an employee of employment opportunities or otherwise adversely affects the status of an employee because of genetic information that is unrelated to the ability to perform the duties of a particular job or position.

Employers are prohibited from requiring an employee or applicant for employment to submit to a genetic test or to provide genetic information as a condition of employment or promotion.

Employees are not prohibited from voluntarily providing to an employer genetic information that is related to the employee's health or safety in the workplace. Employers are not prohibited from using genetic information received from an employee to protect the employee's health or safety.

Definition of genetic test (Section on insurance and employment): Genetic test means the analysis of human DNA, RNA, and chromosomes and those proteins and metabolites used to detect heritable or somatic disease-related genotypes or karyotypes for clinical purposes. A genetic test must be generally accepted in the scientific and medical communities as being specifically determinative for the presence, absence, or mutation of a gene or chromosome in order to qualify under this definition. Genetic test does not include a routine physical examination or a routine analysis, including a chemical analysis, of body fluids unless conducted specifically to

determine the presence, absence, or mutation of a gene or chromosome. Genetic test does not include a procedure performed as a component of biomedical research that is conducted pursuant to federal common rule under C.R.F parts 50 and 56 and 45 C.F.R. part 46, as such regulations existed on the effective date of this act.

Definition of genetic information(Sections on informed consent and employment): Genetic information means information about a gene, gene product, or inherited characteristic derived from a genetic test.

Definition of predictive genetic test (Section on informed consent): Predictive genetic test means a genetic test performed for the purpose of predicting the future probability that the patient will develop a genetically related disease or disability.

Definition of presymptomatic genetic test (Section on informed consent): Presymptomatic genetic test means a genetic test performed before the onset of clinical symptoms or indications of disease.

Nevada  
(1999)

SB 16

Prohibits employers, labor organizations or employment agencies from:

1. Asking or encouraging a prospective or current employee or member of the labor organization to submit to a genetic test.
2. Requiring or administering a genetic test to a person as a condition of employment or membership in the labor organization.
3. Denying employment or membership in the labor organization based on genetic information.
4. Altering the terms, conditions or privileges of employment or membership in the labor organization based on genetic information.
5. Terminating employment or membership in the labor organization based on genetic information.

Definition of genetic information: Information that is obtained from a genetic test.

Definition of genetic test: A test that uses deoxyribonucleic acid extracted from the cells of a person, or a diagnostic test that uses another substance extracted or otherwise obtained from the body of a person, which determines the presence of an abnormality or deficiency that:

1. Is linked to a physical or mental disorder or impairment; or
2. Indicates a susceptibility to an illness, a disease, an impairment or another physical or mental disorder.

New  
Hampshire  
(1995)

NH ST §§  
141- H:1  
& 3

The term does not include a test to determine the presence of alcohol or a controlled substance in the system of the person tested.

Prohibits employers, labor organizations, employment agencies or licensing agencies from:

- soliciting, requiring or administering genetic testing as a condition of employment, labor organization membership or licensure
- affecting the terms, conditions or privileges of employment, labor organization membership or licensure based on genetic testing
- terminating the employment, labor organization membership or licensure based on genetic testing

Prohibits persons from selling or providing genetic testing relating to a current or prospective employee, labor organization member or licensee

Prohibits any employer, labor organization, employment agency or licensing agency from offering any pay or benefit in return for taking a genetic test

Provides for genetic testing for the investigation of workers compensation claims, determining an employee's susceptibility or level of exposure to potentially toxic chemicals in the workplace if the employer does not terminate the employee or take any other action adversely affecting the employment. The employee must request this testing and there must be written and informed consent.

Does not prohibit or limit genetic testing for evidence of insurability for life, disability, or long-term care insurance under an employee benefit plan.

Provides for civil action for violations of these provisions, with fines of not less than \$1,000 for each violation, plus costs and legal fees.

Genetic test: A test, examination or analysis which is generally accepted in the scientific and medical communities for the purpose of identifying the presence, absence or alteration of any gene or chromosome, and any report, interpretation or evaluation of such a test, examination or analysis, but excludes any otherwise lawful test, examination or analysis that is undertaken for the purpose of determining whether an individual meets reasonable functional standards for a specific

		job or task.
New Jersey (1981)	NJ ST 10:5-5 & 10:5-12	Prohibits employers from refusing to hire or employ or to bar or to discharge or require to retire or to discriminate in compensation or in terms, conditions or privileges of employment based on atypical hereditary cellular or blood trait.
New Jersey (1996)	NJ SB 695	Prohibits employers from refusing to hire or employ or to bar or to discharge or require to retire based on genetic information or because of the refusal to submit to a genetic test or make available the results of a genetic test.

Genetic characteristic: Any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome.

Genetic information: The information about genes, gene products or inherited characteristics that may derive from an individual or family member.

Genetic test: A test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to identify a predisposing genetic characteristic.

New York (1990)	CR § 48-a	Prohibits an employer or prospective employer from denying equal opportunities to obtain and/or maintain employment and/or advance in position based on unique genetic disorders (sickle cell trait, carriers of Tay-Sachs disease or carriers of Cooley's Anemia).
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Provides for consideration of a person's unique genetic disorder if it would prevent a person from performing the particular job.

New York (1996)	AB 7839 & SB 4607	Prohibits employers or licensing agencies from refusing to hire or employ or to bar or to discharge from employment based on genetic predisposition or carrier status.
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Prohibits employment agencies from considering genetic predisposition or carrier status when receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

Prohibits labor organizations from excluding or expelling any individual based on genetic predisposition or carrier status.

Prohibits employers or employment agencies from advertising or using any form of application for employment that expresses any limitation based on genetic predisposition or carrier status.

Prohibits employers, labor organizations employment agencies and licensing agencies from:

- directly or indirectly soliciting, requiring or administering a genetic test to a person as a condition of employment, preemployment application, labor organization membership or licensure.
- buying or otherwise acquiring the results or interpretation of an individual's genetic test results
- making an agreement with an individual to take a genetic test or provide genetic test results

Provides for employers to require a specified genetic test as a condition of employment where such test is shown to be directly related to the occupational environment, such that the employee or applicant with a particular genetic anomaly might be at an increased risk of disease as a result of working in said environment.

Provides for an employee to request genetic tests for a workers' compensation claim, for civil litigation or to determine the employee's susceptibility to potentially hazardous chemicals in the workplace, if the employee provides written and informed consent.

Genetic anomaly: Any variation in an individual's DNA which has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes the individual a carrier of such variation.

Genetic predisposition: The presence of a variation in the composition of the genes of an individual which is scientifically or medically identifiable and which is determined to be associated with an increased statistical risk of being expressed as a physical or mental disease or disability in the individual but which has not resulted in any symptoms of such disease or disorder.

Genetic test: An assay employing DNA, constituent genes, or gene products to diagnose or predict the presence of a genetic anomaly that is linked to a physical or mental disease or disability in the individual or the

		individual's offspring, or susceptibility to or predisposition for a genetically influenced disease or disability.
North Carolina (1975)	NC ST § 95-28.1	Prohibits any person, firm, corporation, unincorporated association, State agency, unit of local government or any public or private entity from denying or refusing employment to any person or discharging a person from employment based on sickle cell trait or hemoglobin C trait.
North Carolina (1997)	S 254	Prohibits an employer from denying or refusing to employ any person or from discharging any person from employment on account of the person's having requested genetic testing or counseling services, or on the basis of genetic information obtained concerning the person or a member of the person's family.
		Genetic information: Information about genes, gene products, or inherited characteristics that may derive from an individual or a family member.
		Genetic test: A test for determining the presence or absence of genetic characteristics in an individual or a member of the individual's family in order to diagnose a genetic condition or characteristic or ascertain susceptibility to a genetic condition.
		Genetic characteristic: Any scientifically or medically identifiable genes or chromosomes, or alterations or products thereof, which are known individually or in combination with other characteristics to be a cause of a disease or disorder, or determined to be associated with a statistically increased risk of development of a disease or disorder and which are asymptomatic of any disease or disorder.
Oklahoma (1996)	OK HCR # 113	Duties of the Task Force: <ul style="list-style-type: none"> <li>● To review Oklahoma House Bill No. 2478, which proposes the creation of a Genetic Nondiscrimination Act;</li> <li>● To review legislation from other states and any model legislation related to genetic discrimination; and</li> <li>● To make recommendations to the Legislature by January 1, 1997, concerning proposed legislation which the Task Force deems necessary to prevent genetic discrimination, particularly with regard to insurance and employment.</li> </ul>
Oklahoma (1998)	HB 3169	For purposes of distinguishing between or discriminating against or restricting any right or benefit otherwise due or available to an

employee or prospective employee, other than in connection with the determination of insurance coverage or benefits, no employer shall:

1. seek to obtain, or use a genetic test or genetic information of the employee or the prospective employee; or
2. require a genetic test of or require genetic information from the employee or prospective employee.

Genetic information: Information derived from the results of a genetic test. Genetic information shall not include family history, the results of a routine physical examination or test, the results of a chemical, blood or urine analysis, the results of a test to determine drug use, the results of a test for the presence of the human immunodeficiency virus, or the results of any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

Genetic test: A laboratory test of the DNA, RNA, or chromosomes of an individual for the purpose of identifying the presence or absence of inherited alterations in the DNA, RNA, or chromosomes that cause a predisposition for a clinically recognized disease or disorder. Genetic test does not include: (A) a routine physical examination or a routine test performed as a part of a physical examination; (B) a chemical, blood, or urine analysis; (C) a test to determine drug use; (D) a test for the presence of the human immunodeficiency virus; or (E) any other test commonly accepted in clinical practice at the time it is ordered by the insurer.

Oregon (1989 (amended 1995)	OR ST § 659.227
Oregon (1993) (1995)	OR ST §659.036,  659.227, 659.700, 659.705

Prohibits employers from subjecting, directly or indirectly, any employee or prospective employee to genetic screening.

Prohibits employers from seeking to obtain, to obtain or to use genetic information of an employee or a prospective employee to distinguish between or discriminate against an employee or prospective employee.

Provides for various enforcement mechanisms.

Prohibits employers from subjecting, directly or indirectly, any employee or prospective employee to any genetic test.

Genetic test: A test for determining the presence or absence of genetic characteristics in an individual, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to diagnose a genetic characteristic.

Genetic information: The information about an

Rhode Island (1992)	RI ST 28-6.7-1, 28-6.7-3	<p>individual or family obtained from a genetic test or an individual's DNA sample.</p> <p>Prohibits employers, employment agencies or licensing agencies from directly or indirectly:</p> <ul style="list-style-type: none"> <li>• requesting or requiring or administering a genetic test to any person as a condition of employment or licensure</li> <li>• affecting the terms, conditions or privileges of employment or licensure or terminating the employment or licensure of any person who obtains a genetic test</li> </ul>
South Dakota (2001)	S 2	<p>Prohibits any person from selling or interpreting for an employer, employment agency or licensing agency a genetic test of a current or prospective employee or licensee.</p> <p>Provides for penalties for violations of these provisions in the form of punitive and actual damages and injunctive relief.</p> <p>It is unlawful employment practice for an employer to seek to obtain, to obtain, or to use genetic information of an employee to distinguish between or discriminate against employees or restrict any right or benefit otherwise due or available to an employee.</p> <p>It is not an unlawful employment practice for an employer to seek to obtain, to obtain, or to use genetic information if: (1) The employer is a law enforcement agency conducting a criminal investigation; or (2) The employer relies on the test results from genetic information obtained by law enforcement through a criminal investigation , the employer legally acquires the test results, the employer keeps the test results confidential except as otherwise required by law, and the employer uses the test results for the limited purpose of taking disciplinary action against the employee based only on the alleged misconduct.</p> <p>Definition of genetic information: Genetic information is information about genes, gene products, and inherited characteristics that may derive from the individual or a family member. This includes information regarding carrier status and information derived from laboratory tests that identify mutations in specific genes or chromosomes, physical medical examinations, family histories and direct analysis of genes or chromosomes.</p>
Texas (1997)	H 39	<p>Prohibits employers from failing or refusing to hire, discharging or otherwise discriminating with respect to compensation or the terms, conditions or privileges of employment on the basis of genetic information or the refusal to submit to a genetic test.</p>



Provides that genetic information is confidential and that persons may not disclose or be compelled to disclose, by subpoena or otherwise, genetic information about an individual unless the disclosure is specifically authorized by the individual.

Provides that a written authorization for release of genetic information should include: (1) a description of the information to be disclosed; (2) the name of the person to whom the disclosure is made; and (3) the purpose for the disclosure.

Provides that an individual who submits to a genetic test has the right to know the results of that test.

Genetic information: Information derived from the results of a genetic test.

Genetic test: A laboratory test of an individual's DNA, RNA, proteins, or chromosomes to identify by analysis of the DNA, RNA, proteins, or chromosomes the genetic mutations or alterations in the DNA, RNA, proteins, or chromosomes that are associated with a predisposition for a clinically recognized disease or disorder. The term does not include: (A) a routine physical examination or a routine test performed as a part of a physical examination; (B) a chemical, blood or urine analysis; (C) a test to determine drug use; or (D) a test for the presence of the human immunodeficiency virus.

Utah (2002) H.B. 56

Synopsis of Bill: The act prohibits employers from using private genetic information for hiring and promotion purposes and places restrictions on health insurers' use of genetic information.

Provisions of Bill:

An employer may not in connection with a hiring, promotion, retention, or other related decision:

access or otherwise take into consideration private genetic information about an individual;

request or require an individual to consent to a release for the purpose of accessing private genetic information about the individual;

request or require an individual or his blood relative to submit to a genetic test; and

inquire into or otherwise take into consideration the fact that an individual or his blood relative has taken or refused to take a genetic test.

An employer may seek an order compelling the disclosure of private genetic information held by an individual or third party in connection with:

an employment-related judicial or administrative proceeding in which the individual has placed his health at issue; or

an employment-related decision in which the employer has a reasonable basis to believe that the individual's health condition poses a real and unjustifiable safety risk requiring the change or denial of an assignment.

An order compelling the disclosure of private genetic information shall:

limit disclosure to those parts of the record containing information essential to fulfill the objective of the order;

limit disclosure to those persons whose need for the information is the basis of the order; and

include such other measures as may be necessary to limit disclosure for the protection of the individual.

An insurer offering health care insurance may not in connection with the offer or renewal of an insurance product or in the determination of premiums, coverage, renewal, cancellation, or any other underwriting decision that pertains directly to the individual or any group of which the individual is a member that purchases insurance jointly:

access or otherwise take into consideration private genetic information about an asymptomatic individual;

request or require an asymptomatic individual to consent to a release for the purpose of accessing private genetic information about the individual;

request or require an asymptomatic individual or his blood relative to submit to a genetic test; and

inquire into or otherwise take into consideration the fact that an asymptomatic individual or his blood relative has taken or refused to take a genetic test.

An insurer offering health care insurance:

may request information regarding the necessity of a genetic test, but not the results of the test, if a claim for payment for the test has been made against an individual's health

insurance policy;

may request that portion of private genetic information that is necessary to determine the insurer's obligation to pay for health care services where:

the primary basis for rendering such services to an individual is the result of a genetic test; and

a claim for payment for such services has been made against the individual's health insurance policy.

may only store information obtained under this section in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996; and

may only use or otherwise disclose the information obtained under this section in connection with a proceeding to determine the obligation of an insurer to pay for a genetic test or health care services, provided that, in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, the insurer makes a reasonable effort to limit disclosure to the minimum necessary to carry out the purposes of the disclosure.

An insurer may seek an order compelling the disclosure of private genetic information held by an individual or third party.

An order authorizing the disclosure of private genetic information shall:  
limit disclosure to those parts of the record containing information essential to fulfill the objectives of the order;

limit disclosure to those persons whose need for the information is the basis for the order; and

include such other measures as may be necessary to limit disclosure for the protection of the individual.

Nothing in this section may be construed as restricting the ability of an insurer to use information other than private genetic information to take into account the health status of an individual, group, or population in determining premiums or making other underwriting decisions.

Nothing in this section may be construed as requiring an insurer to pay for genetic testing.

Information maintained by an insurer about an individual under this section may be redisclosed:

to protect the interests of the insurer in detecting, prosecuting, or taking legal action against criminal activity, fraud, material misrepresentations, and material omissions;

to enable business decisions to be made about the purchase, transfer, merger, reinsurance, or sale of all or part of the insurer's business; and

to the commissioner of insurance upon formal request.

An individual whose legal rights arising under this chapter have been violated may recover damages and be granted equitable relief in a civil action.

Any insurance company or employer who violates the legal rights of an individual arising from this chapter shall be liable to the individual for each separate violation in an amount equal to:

actual damages sustained as a result of the violation;

\$100,000 if the violation is the result of an intentional and wilful act; or

punitive damages if the violation is the result of a malicious act; and

reasonable attorneys' fees.

Whenever the attorney general has reason to believe that any person is using or is about to use any method, act, or practice in violation of the provisions of this chapter, and that proceedings would be in the public interest, the attorney general may bring an action against the person to restrain or enjoin the use of such method, act, or practice.

In addition to restraining or enjoining the use of a method, act, or practice, the court may require the payment of:

a civil fine of not more than \$25,000 for each separate intentional violation; and

reasonable costs of investigation and litigation, including reasonable attorneys' fees.

**Definition of genetic analysis or genetic test:**  
The testing or analysis of an identifiable individual's DNA that results in information that is derived from the presence, absence, alteration, or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers.

Genetic analysis does not include the

following: (1) a routine physical examination; (2) a routine chemical, blood, or urine analysis; (3) a test to identify the presence of drugs or HIV infection; or (4) a test performed due to the presence of signs, symptoms, or other manifestations of a disease, illness, impairment, or other disorder.

Definition of private genetic information: Any information about an identifiable individual that is derived from the presence, absence, alteration, or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers, and which has been obtained: (1) from a genetic test or analysis of the individual's DNA; or (2) from a genetic test or analysis of a person's DNA to whom the individual is a blood relative.

Private genetic information does not include information derived from: (1) a routine physical examination; (2) a routine chemical, blood, or urine analysis; (3) a test to identify the presence of drugs or HIV infection; or (4) a test performed due to the presence of signs, symptoms, or other manifestations of a disease, illness, impairment, or other disorder.

Vermont  
(1998)

H. 89

Prohibits persons from being required to undergo genetic testing except as provided by this law.

Prohibits genetic testing or disclosure of genetic test results without the prior written authorization and informed consent of the individual, except as provided by this law.

Provides that individuals be told that genetic test results may become part of their permanent medical record and that the test results may affect their ability to obtain insurance benefits.

Prohibits the use of a request for genetic counseling or testing services, the performance of a genetic test or a requirement for a genetic test to affect the terms, conditions or privileges of employment, membership in a labor organization or professional licensure, certification or registration.

Provides for the use of genetic testing results or genetic information in connection with life, disability income or long-term care insurance provided under an employee benefit plan.

Prohibits the disclosure of any genetic testing results, genetic information, request for genetic services, or the performance of genetic testing to an employer, labor organization, employment agency or licensing agency.

Definition of genetic information: The results of genetic testing contained in any report, interpretation, evaluation, or other record thereof.

Definition of genetic testing: A test, examination or analysis that is diagnostic or predictive of a particular heritable disease or disorder and is of: (i) a human chromosome or gene; (ii) human DNA or RNA; or (iii) a human genetically encoded protein. Genetic testing does not include: (i) a test, examination or analysis which reports on an individual's current condition unless such a test, examination or analysis is designed or intended to be specifically determinative for the presence or absence of a mutation, alteration, or deletion of a gene or chromosome; or (ii) a test, examination or analysis of a human chromosome or gene, of human DNA or RNA, or of a human genetically encoded protein that is diagnostic or predictive of a particular heritable disease or disorder, if, in accordance with generally accepted standards in the medical community, the potential presence or absence of a mutation, alteration or deletion of a gene or chromosome has already manifested itself by causing a disease, disorder or medical condition or by symptoms highly predictive of the disease, disorder or medical condition.

Virginia  
(2002)

S.B. 102

Synopsis of Bill: Relates to employment and discrimination on the basis of genetic testing or genetic characteristics.

Provisions of Bill:

No employer shall request, require, solicit or administer a genetic test to any person as a condition of employment.

No employer shall refuse to hire, fail to promote, discharge or otherwise adversely affect any terms or conditions of employment of any employee or prospective employee solely on the basis of a genetic characteristic or the results of a genetic test, regardless of how the employer obtained such information or results.

The employee may bring an action in a court of competent jurisdiction over the employer who took adverse action against the employee in violation of this law. Any such action shall be brought within 180 days from the date of the adverse action. The court may award actual or punitive damages or injunctive relief.

Definition of genetic characteristic: Any scientifically or medically identifiable gene or chromosome, or alteration thereof, which is known to be a cause of disease or disorder, or determined to be associated with a statistically

increased risk of development of a disease or disorder, and which is asymptomatic of any disease or disorder.

Definition of genetic test: A test for determining the presence or absence of genetic characteristics in an individual in order to diagnose a genetic characteristic.

Wisconsin  
(1991)

WI ST  
111.32,  
111.372,  
111.375,  
111.39,  
942.07

Prohibits employers, labor organizations, employment agencies or licensing agencies from directly or indirectly:

- soliciting, requiring or administering a genetic test to any person as a condition of employment, labor organization membership or licensure
- affecting the terms, conditions or privileges of employment, labor organization membership or licensure
- terminating the employment, labor organization membership or licensure based on a genetic test

Prohibits any person from selling to or interpreting for an employer, labor organization, employment agency or licensing agency a genetic test of any employee, labor organization member or licensee or of a prospective employee, labor organization member or licensee.

Prohibits any agreement between an employer, labor organization, employment agency or licensing agency and another person offering employment, labor organization membership, licensure or any pay or benefit to that person in return for taking a genetic test.

Provides for genetic testing of an employee who requests a genetic test and who provides written and informed consent for the following purposes:

- Investigating a workers' compensation claim
- Determining the employee's susceptibility or level of exposure to potentially toxic chemicals in the workplace if the employer does not terminate the employee or take any other action that adversely affects any term, condition or privilege of the employee's employment, as a result of a genetic test.

Provides for the written and informed consent of the employee, labor organization member

or licensee or prospective employee, labor organization member of licensee before any employer, labor organization, employment agency or licensing agency requires or administers a genetic test.

Prohibits any person from disclosing to an employer, labor organization, employment agency or licensing agency that an employee, labor organization member of licensee or a prospective employee, labor organization member or licensee has taken a genetic test or the results of such a test without the prior written and informed consent of the subject of the test.

Provides that a violation of the consent and privacy provisions is a class B misdemeanor.

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