

SENATE BILL NO. 16—COMMITTEE ON JUDICIARY

PREFILED JANUARY 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits discrimination in employment based on genetic testing. (BDR 53-56)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to genetic information; providing that it is an unlawful employment practice for an employer, a labor organization or an employment agency to discriminate against a person based on genetic information; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 613 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. It is an unlawful employment practice for an employer, a labor***
4 ***organization or an employment agency:***
5 ***(a) Except as otherwise provided in subsection 2, to ask or encourage a***
6 ***prospective or current employee or member of the labor organization to***
7 ***submit to a genetic test.***
8 ***(b) To require or administer a genetic test to a person as a condition of***
9 ***employment or membership in the labor organization.***
10 ***(c) To deny employment or membership in the labor organization***
11 ***based on genetic information.***
12 ***(d) To alter the terms, conditions or privileges of employment or***
13 ***membership in the labor organization based on genetic information.***
14 ***(e) To terminate employment or membership in the labor organization***
15 ***based on genetic information.***
16 ***2. It is not an unlawful employment practice for an employer or***
17 ***employment agency to request that a person submit to a genetic test to:***

- 1 ***(a) Assist in the investigation of a workers' compensation claim; or***
2 ***(b) Determine the susceptibility or level of exposure of the employee to***
3 ***a potentially toxic chemical or other substance in the workplace.***

4 ***3. An employer or employment agency which requests that a person***
5 ***submit to a genetic test pursuant to subsection 2 shall ensure that the***
6 ***person provides written and informed consent before the genetic test is***
7 ***performed.***

8 ***4. As used in this section:***

9 ***(a) "Genetic information" means information that is obtained from a***
10 ***genetic test.***

11 ***(b) "Genetic test" means a test, including, without limitation, a***
12 ***laboratory test that uses deoxyribonucleic acid extracted from the cells of***
13 ***a person or a diagnostic test, which determines the presence of an***
14 ***abnormality or deficiency that:***

15 ***(1) Is linked to a physical or mental disorder or impairment; or***

16 ***(2) Indicates a susceptibility to an illness, a disease, an impairment***
17 ***or another physical or mental disorder.***

18 ***Sec. 2. NRS 613.310 is hereby amended to read as follows:***

19 ***613.310 As used in NRS 613.310 to 613.435, inclusive, and section 1***
20 ***of this act, unless the context otherwise requires:***

21 ***1. "Disability" means, with respect to a person:***

22 ***(a) A physical or mental impairment that substantially limits one or more***
23 ***of the major life activities of the person;***

24 ***(b) A record of such an impairment; or***

25 ***(c) Being regarded as having such an impairment.***

26 ***2. "Employer" means any person who has 15 or more employees for***
27 ***each working day in each of 20 or more calendar weeks in the current or***
28 ***preceding calendar year, but does not include:***

29 ***(a) The United States or any corporation wholly owned by the United***
30 ***States.***

31 ***(b) Any Indian tribe.***

32 ***(c) Any private membership club exempt from taxation pursuant to***
33 ***section 501(c) of the Internal Revenue Code of 1954.***

34 ***3. "Employment agency" means any person regularly undertaking with***
35 ***or without compensation to procure employees for an employer or to***
36 ***procure for employees opportunities to work for an employer, but does not***
37 ***include any agency of the United States.***

38 ***4. "Labor organization" means any organization of any kind, or any***
39 ***agency or employee representation committee or plan, in which employees***
40 ***participate and which exists for the purpose, in whole or in part, of dealing***
41 ***with employers concerning grievances, labor disputes, wages, rates of pay,***
42 ***hours of employment or other conditions of employment.***

- 1 5. "Person" includes the State of Nevada and any of its political
- 2 subdivisions.

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