

Senate Bill No. 16–Committee on Judiciary

CHAPTER.....

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:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is an unlawful employment practice for an employer, a labor organization or an employment agency:

(a) To ask or encourage a prospective or current employee or member of the labor organization to submit to a genetic test.

(b) To require or administer a genetic test to a person as a condition of employment or membership in the labor organization.

(c) To deny employment or membership in the labor organization based on genetic information.

(d) To alter the terms, conditions or privileges of employment or membership in the labor organization based on genetic information.

(e) To terminate employment or membership in the labor organization based on genetic information.

2. As used in this section:

(a) “Genetic information” means information that is obtained from a genetic test.

(b) “Genetic test” means 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.

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

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

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

1. “Disability” means, with respect to a person:

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

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment

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

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

(b) Any Indian tribe.

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

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

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

5. “Person” includes the State of Nevada and any of its political subdivisions.

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