

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) To ask or encourage a prospective or current employee or member***
6 ***of the labor organization to submit to a genetic test.***
7 ***(b) To require or administer a genetic test to a person as a condition of***
8 ***employment or membership in the labor organization.***
9 ***(c) To deny employment or membership in the labor organization***
10 ***based on genetic information.***
11 ***(d) To alter the terms, conditions or privileges of employment or***
12 ***membership in the labor organization based on genetic information.***
13 ***(e) To terminate employment or membership in the labor organization***
14 ***based on genetic information.***
15 **2. As used in this section:**
16 ***(a) “Genetic information” means information that is obtained from a***
17 ***genetic*** ***test.***

1 (b) “Genetic test” means a test that uses deoxyribonucleic acid
2 extracted from the cells of a person, or a diagnostic test that uses another
3 substance extracted or otherwise obtained from the body of a person,
4 which determines the presence of an abnormality or deficiency that:

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

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

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

11 613.310 As used in NRS 613.310 to 613.435, inclusive, **and section 1**
12 **of this act**, unless the context otherwise requires:

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

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

16 (b) A record of such an impairment; or

17 (c) Being regarded as having such an impairment.

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

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

23 (b) Any Indian tribe.

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

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

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

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