

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 815 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Bev Hammerstrom

Committee: Health Policy

CONTENT

The bill would amend the Persons with Disabilities Civil Rights Act to prohibit an employer from requiring an individual to submit to a genetic test or to provide genetic information as a condition of employment or promotion; and to place in the Act a definition of "genetic information" and "genetic test".

Currently, the Act prohibits an employer, on the basis of an individual's disability that is unrelated to the individual's ability to perform the job, from failing or refusing to hire, recruit, promote, or discharge the individual; discriminating against the individual with respect to compensation or the terms, conditions, or privileges of employment; or limiting, segregating, or classifying an employee or applicant in a way that deprives or tends to deprive the individual of employment opportunities or otherwise adversely affects the status of an employee. The bill also would prohibit an employer from taking any of those actions based upon the individual's genetic information. Further, the bill provides that an employer could not take any of the actions prohibited in the Act, "except as otherwise required by federal law".

The bill would not prohibit an individual from voluntarily providing to an employer genetic information that was related to the employee's health or safety in the workplace; or prohibit an employer from using genetic information received from an employee to protect the employee's health or safety.

"Genetic information" would mean information about a gene, gene product, or inherited characteristic of an individual derived from his or her family history or a genetic test. "Genetic test" would mean 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 would have to 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 the bill. "Genetic test" would 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.

MCL 37.1201 & 37.1202

Legislative Analyst: G. Towne

FISCAL IMPACT

The Department of Civil Rights could be required to investigate claims that violated the proposed provisions of this statute. Because it is unknown how many complaints could be filed, the fiscal impact of this bill is indeterminate. There would be no fiscal impact on local government.

Date Completed: 10-26-99

Fiscal Analyst: E. Limbs