

## **BILL ANALYSIS**

Senate Research Center

S.B. 98  
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Economic Development  
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As Filed

### **DIGEST**

Currently, persons may choose not to undergo genetic testing because they fear results will be released to employers and/or insurers who will use this information to discriminate in employment practices or insurance coverage. S.B. 98 prohibits the use of genetic-test information to discriminate against persons in the workplace or to deny persons insurance coverage and prohibits disclosing that information without authorization from the individuals who were tested.

### **PURPOSE**

As proposed, S.B. 98 outlines provisions relating to a prohibition of discrimination in the determination of eligibility for employment and insurance coverage based on the use of certain genetic tests and to limitations on the use of information derived from those tests.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 21, Labor Code, by adding Subchapter H, as follows:

#### **SUBCHAPTER H. DISCRIMINATORY USE OF GENETIC INFORMATION**

Sec. 21.401. DEFINITIONS. Defines "genetic characteristic," "genetic information," and "genetic test."

Sec. 21.402. DISCRIMINATORY USE OF GENETIC INFORMATION PROHIBITED. Sets forth the conditions under which an employee, a labor organization, or an employment agency commits an unlawful practice regarding the use of genetic information.

Sec. 21.403. INFORMATION CONFIDENTIAL; EXCEPTIONS. Provides that genetic information is confidential and privileged and the holder of that information is prohibited from disclosing genetic information about an individual unless authorized by the individual to do so. Sets forth the provisions by which the disclosure of genetic information is authorized.

Sec. 21.404. RETENTION OF SAMPLE. Provides that a sample of genetic material taken for a genetic test from an individual is the individual's property and is required to be destroyed after the purpose for which the sample was taken is accomplished unless retention of the sample is required by order of a court.

SECTION 2. Amends Chapter 21E, Insurance Code, by adding Article 21.73, as follows:

#### **Art. 21.73. USE OF GENETIC TESTING INFORMATION BY INSURERS.**

Sec. 1. DEFINITIONS. Defines "genetic characteristic," "genetic information," "genetic test," and "insurer."

Sec. 2. USE OF GENETIC INFORMATION BY INSURERS. Prohibits an insurer from

discriminating against a person as a result of genetic information.

Sec. 3. INFORMATION CONFIDENTIAL; EXCEPTIONS. Makes a conforming change.

Sec. 4. RETENTION OF A SAMPLE. Makes a conforming change.

Sec. 5. UNFAIR PRACTICE; REMEDIES. Provides that an insurer who requires an individual to submit to a genetic test or who uses or reveals genetic information in violation of the requirements of this article commits an unfair practice under Article 21.21 of this code and is liable to that individual as provided by that article.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Makes application of this Act prospective to January 1, 1998.

SECTION 5. Emergency clause.