

## **BILL ANALYSIS**

Senate Research Center  
77R1010 PB-D

S.B. 12  
By: Nelson  
Business & Commerce  
2/12/2001  
As Filed

### **DIGEST AND PURPOSE**

Information is increasingly available about people's genetic predispositions to certain diseases or medical conditions. The 75th Legislature made it illegal for employers to discriminate on the basis of genetic information or to require individuals to submit to genetic testing as a condition of employment. As proposed, S.B. 12 expands and broadens those protections, preventing employers from discriminating on the basis of certain medical information, which may contain details that could be used to determine an individual's genetic predisposition. It also provides exceptions for allowable employer use of medical information.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

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

SUBCHAPTER H. New heading: DISCRIMINATORY USE OF MEDICAL INFORMATION

SECTION 2. Amends Section 21.401, Labor Code, to define "genetic characteristic" and "medical information." Redefines "genetic information" and "genetic test."

SECTION 3. Amends Section 21.402, Labor Code, as follows:

Sec. 21.402. New heading: DISCRIMINATORY USE OF MEDICAL INFORMATION PROHIBITED. Includes exceptions as provided by Section 21.4025. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Chapter 21H, Labor Code, to add Section 21.4025, as follows:

Sec. 21.4025. EXCEPTIONS. Sets forth certain cases in which it is not an unfair employment practice to seek certain medical information or to require or request a medical examination. Requires medical information obtained under this section to be collected on separate forms, maintained in separate files, and treated as confidential as provided by Section 21.403.

SECTION 5. Amends Section 21.403, Labor Code, to make conforming changes.

SECTION 6. Renumbers Article 9031, V.T.C.S., as Article 9032, V.T.C.S., and amends it, as follows:

Art. 9032. New heading: PROHIBITED USE OF MEDICAL INFORMATION. Makes conforming changes.

SECTION 7. Effective date: September 1, 2001.

SECTION 8. Makes application of Article 9031, V.T.C.S., as amended by this Act, prospective.

SECTION 9. Makes application of Chapter 21H, Labor Code, as amended by this Act, prospective.