

BILL ANALYSIS

Senate Research Center
77R11492 PB-D

C.S.S.B. 12
By: Nelson
Business & Commerce
4/4/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Information about a person's genetic predispositions to certain diseases or medical conditions is increasingly available. 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. C.S.S.B. 12 expands the definitions of "genetic information" and "genetic test" to prevent employers, licensing authorities, and insurance companies from discriminating on the basis of certain genetic information or genetic tests. It also prevents employers from discriminating on the basis of family health information which may contain details that could be used to determine an individual's genetic predisposition to certain diseases.

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 Section 21.401, Labor Code, to define "family health history" and "genetic characteristic." Redefines "genetic information" and "genetic test."

SECTION 2. Renumbers Article 9031, V.T.C.S., as Article 9032, V.T.C.S., and amends it, as follows:

Sec. 1. Makes conforming changes.

Sec. 2. New heading: PROHIBITIONS. Prohibits a licensing authority from denying an application for an occupational license, or taking any other disciplinary action against a license holder based on the refusal of the applicant or license holder to submit a family health history.

SECTION 3. Amends Section 1, Article 21.73, Insurance Code, to make conforming changes.

SECTION 4. Effective date: September 1, 2001.

SECTION 5. Makes application of Article 9031, V.T.C.S., as amended by this Act, prospective.

SECTION 6. Makes application of Section 21.401, Labor Code, as amended by this Act, prospective.

SECTION 7. Makes application of Article 21.73, Insurance Code, as amended by this Act, prospective to January 1, 2002.

SUMMARY OF COMMITTEE CHANGES

Differs from the original as follows:

- Amends the previously proposed caption.
- Deletes previously proposed SECTION 1, which amended the heading to Chapter 21H, Labor Code.
- Deletes previously proposed SECTIONS 3 and 5, which amended Sections 21.402 and 21.403, Labor Code.
- Deletes previously proposed SECTION 4, which added Section 21.4025, Labor Code.
- Redesignates previously proposed SECTION 2 as SECTION 1; SECTION 6 as SECTION 2; SECTION 7 as SECTION 4; SECTION 8 as SECTION 5, and SECTION 9 as SECTION 6.
- In SECTIONS 1 and 2, amending Section 21.401, Labor Code, and Article 9031, V.T.C.S., adds the definition of “family health history” and amends the redefinition of “genetic characteristic” and “genetic test.” Deletes previously proposed definition of “medical information.” Redesignates previous Subdivisions (2)-(5) as Subdivisions (3)-(6).
- In SECTION 2, deletes the previously proposed new heading of renumbered Article 9032, V.T.C.S., and adds a new heading for Section 2, Article 9032, V.T.C.S. Adds a prohibition to Section 2, Article 9032, V.T.C.S. Deletes previously proposed amendments to Section 3, Article 9032, V.T.C.S.
- Adds SECTION 3 to propose amendments to Section 1, Article 21.73, Insurance Code.
- Adds SECTION 7 to propose the prospective clause in regard to the amendments to the Insurance Code.