

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 815 (as introduced 10-14-99)
Sponsor: Senator Bev Hammerstrom
Committee: Health Policy

Date Completed: 10-19-99

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 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 provides that “genetic information” would mean information about a gene, gene product, or inherited characteristic derived from 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.

Fiscal Analyst: E. Limbs

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.