

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Genetic Information Privacy Act is amended  
5 by changing Section 25 as follows:

6 (410 ILCS 513/25)

7 Sec. 25. Use of genetic testing information by employers.

8 (a) An employer, employment agency, labor organization,  
9 and licensing agency shall treat genetic testing and genetic  
10 information in such a manner that is consistent with the  
11 requirements of federal law, including but not limited to the  
12 Genetic Information Nondiscrimination Act of 2008, the  
13 Americans with Disabilities Act, Title VII of the Civil Rights  
14 Act of 1964, the Family and Medical Leave Act of 1993, the  
15 Occupational Safety and Health Act of 1970, the Federal Mine  
16 Safety and Health Act of 1977, or the Atomic Energy Act of  
17 1954.

18 (b) An employer may release genetic testing information  
19 only in accordance with this Act.

20 (c) An employer, employment agency, labor organization,  
21 and licensing agency shall not directly or indirectly do any of  
22 the following:

23 (1) solicit, request, require or purchase genetic

1 testing or genetic information of a person or a family  
2 member of the person, or administer a genetic test to a  
3 person or a family member of the person as a condition of  
4 employment, preemployment application, labor organization  
5 membership, or licensure;

6 (2) affect the terms, conditions, or privileges of  
7 employment, preemployment application, labor organization  
8 membership, or licensure, or terminate the employment,  
9 labor organization membership, or licensure of any person  
10 because of genetic testing or genetic information with  
11 respect to the employee or family member, or information  
12 about a request for or the receipt of genetic testing by  
13 such employee or family member of such employee;

14 (3) limit, segregate, or classify employees in any way  
15 that would deprive or tend to deprive any employee of  
16 employment opportunities or otherwise adversely affect the  
17 status of the employee as an employee because of genetic  
18 testing or genetic information with respect to the employee  
19 or a family member, or information about a request for or  
20 the receipt of genetic testing or genetic information by  
21 such employee or family member of such employee; and

22 (4) retaliate through discharge or in any other manner  
23 against any person alleging a violation of this Act or  
24 participating in any manner in a proceeding under this Act.

25 (d) An agreement between a person and an employer,  
26 prospective employer, employment agency, labor organization,

1 or licensing agency, or its employees, agents, or members  
2 offering the person employment, labor organization membership,  
3 licensure, or any pay or benefit in return for taking a genetic  
4 test is prohibited.

5 (e) An employer shall not use genetic information or  
6 genetic testing in furtherance of a workplace wellness program  
7 benefiting employees unless (1) health or genetic services are  
8 offered by the employer, (2) the employee provides written  
9 authorization in accordance with Section 30 of this Act, (3)  
10 only the employee or family member if the family member is  
11 receiving genetic services and the licensed health care  
12 professional or licensed genetic counselor involved in  
13 providing such services receive individually identifiable  
14 information concerning the results of such services, and (4)  
15 any individually identifiable information is only available  
16 for purposes of such services and shall not be disclosed to the  
17 employer except in aggregate terms that do not disclose the  
18 identity of specific employees. An employer shall not penalize  
19 an employee who does not disclose his or her genetic  
20 information or does not choose to participate in a program  
21 requiring disclosure of the employee's genetic information.

22 (f) Nothing in this Act shall be construed to prohibit  
23 genetic testing of an employee who requests a genetic test and  
24 who provides written authorization, in accordance with Section  
25 30 of this Act, from taking a genetic test for the purpose of  
26 initiating a workers' compensation claim under the Workers'

1 Compensation Act.

2 (g) A purchase of commercially and publicly available  
3 documents, including newspapers, magazines, periodicals, and  
4 books but not including medical databases or court records or  
5 inadvertently requesting family medical history by an  
6 employer, employment agency, labor organization, and licensing  
7 agency does not violate this Act.

8 (h) Nothing in this Act shall be construed to prohibit an  
9 employer that conducts DNA analysis for law enforcement  
10 purposes as a forensic laboratory and that includes such  
11 analysis in the Combined DNA Index System pursuant to the  
12 federal Violent Crime Control and Law Enforcement Act of 1994  
13 from requesting or requiring genetic testing or genetic  
14 information of such employer's employees, but only to the  
15 extent that such genetic testing or genetic information is used  
16 for analysis of DNA identification markers for quality control  
17 to detect sample contamination.

18 (i) Nothing in this Act shall be construed to prohibit an  
19 employer from requesting or requiring genetic information to be  
20 used for genetic monitoring of the biological effects of toxic  
21 substances in the workplace, but only if (1) the employer  
22 provides written notice of the genetic monitoring to the  
23 employee; (2) the employee provides written authorization  
24 under Section 30 of this Act or the genetic monitoring is  
25 required by federal or State law; (3) the employee is informed  
26 of individual monitoring results; (4) the monitoring is in

1 compliance with any federal genetic monitoring regulations or  
2 State genetic monitoring regulations under the authority of the  
3 federal Occupational Safety and Health Act of 1970; and (5) the  
4 employer, excluding any health care provider, health care  
5 professional, or health facility that is involved in the  
6 genetic monitoring program, receives the results of the  
7 monitoring only in aggregate terms that do not disclose the  
8 identity of specific employees.

9 (j) Despite lawful acquisition of genetic testing or  
10 genetic information under subsections (e) through (i) of this  
11 Section, an employer, employment agency, labor organization,  
12 and licensing agency still may not use or disclose the genetic  
13 test or genetic information in violation of this Act.

14 (k) Except as provided in subsections (e), (f), (h), and  
15 (i) of this Section, a person shall not knowingly sell to or  
16 interpret for an employer, employment agency, labor  
17 organization, or licensing agency, or its employees, agents, or  
18 members, a genetic test of an employee, labor organization  
19 member, or license holder, or of a prospective employee,  
20 member, or license holder.

21 (Source: P.A. 98-1046, eff. 1-1-15.)