



Sen. Andy Manar

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LRB100 05103 RPS 24919 a

1 AMENDMENT TO SENATE BILL 318

2 AMENDMENT NO. _____. Amend Senate Bill 318 by replacing
3 everything after the enacting clause with the following:

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

1 1954.

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

4 (c) An employer, employment agency, labor organization,
5 and licensing agency shall not directly or indirectly do any of
6 the following:

7 (1) solicit, request, require or purchase genetic
8 testing or genetic information of a person or a family
9 member of the person, or administer a genetic test to a
10 person or a family member of the person as a condition of
11 employment, preemployment application, labor organization
12 membership, or licensure;

13 (2) affect the terms, conditions, or privileges of
14 employment, preemployment application, labor organization
15 membership, or licensure, or terminate the employment,
16 labor organization membership, or licensure of any person
17 because of genetic testing or genetic information with
18 respect to the employee or family member, or information
19 about a request for or the receipt of genetic testing by
20 such employee or family member of such employee;

21 (3) limit, segregate, or classify employees in any way
22 that would deprive or tend to deprive any employee of
23 employment opportunities or otherwise adversely affect the
24 status of the employee as an employee because of genetic
25 testing or genetic information with respect to the employee
26 or a family member, or information about a request for or

1 the receipt of genetic testing or genetic information by
2 such employee or family member of such employee; and

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

6 (d) An agreement between a person and an employer,
7 prospective employer, employment agency, labor organization,
8 or licensing agency, or its employees, agents, or members
9 offering the person employment, labor organization membership,
10 licensure, or any pay or benefit in return for taking a genetic
11 test is prohibited.

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

1 information or does not choose to participate in a program
2 requiring disclosure of the employee's genetic information.

3 (f) Nothing in this Act shall be construed to prohibit
4 genetic testing of an employee who requests a genetic test and
5 who provides written authorization, in accordance with Section
6 30 of this Act, from taking a genetic test for the purpose of
7 initiating a workers' compensation claim under the Workers'
8 Compensation Act.

9 (g) A purchase of commercially and publicly available
10 documents, including newspapers, magazines, periodicals, and
11 books but not including medical databases or court records or
12 inadvertently requesting family medical history by an
13 employer, employment agency, labor organization, and licensing
14 agency does not violate this Act.

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

25 (i) Nothing in this Act shall be construed to prohibit an
26 employer from requesting or requiring genetic information to be

1 used for genetic monitoring of the biological effects of toxic
2 substances in the workplace, but only if (1) the employer
3 provides written notice of the genetic monitoring to the
4 employee; (2) the employee provides written authorization
5 under Section 30 of this Act or the genetic monitoring is
6 required by federal or State law; (3) the employee is informed
7 of individual monitoring results; (4) the monitoring is in
8 compliance with any federal genetic monitoring regulations or
9 State genetic monitoring regulations under the authority of the
10 federal Occupational Safety and Health Act of 1970; and (5) the
11 employer, excluding any health care provider, health care
12 professional, or health facility that is involved in the
13 genetic monitoring program, receives the results of the
14 monitoring only in aggregate terms that do not disclose the
15 identity of specific employees.

16 (j) Despite lawful acquisition of genetic testing or
17 genetic information under subsections (e) through (i) of this
18 Section, an employer, employment agency, labor organization,
19 and licensing agency still may not use or disclose the genetic
20 test or genetic information in violation of this Act.

21 (k) Except as provided in subsections (e), (f), (h), and
22 (i) of this Section, a person shall not knowingly sell to or
23 interpret for an employer, employment agency, labor
24 organization, or licensing agency, or its employees, agents, or
25 members, a genetic test of an employee, labor organization
26 member, or license holder, or of a prospective employee,

1 member, or license holder.

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