

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 748 (Senator Forehand)

Judicial Proceedings

Employment Discrimination - Genetic Testing and Genetic Information

This bill generally prohibits discrimination based on genetic information with regard to labor and employment. The bill provides that it is an unlawful employment practice for an employer to discriminate in any manner against an employee or applicant for employment on the basis of genetic information or genetic characteristics. In addition, an employer cannot request or require a genetic test of any employee or applicant for employment.

These prohibitions do not apply if the employer must use genetic information to determine the existence of a bona fide occupational qualification, investigate a workers' compensation claim, or determine an employee's susceptibility or level of exposure to potentially toxic chemicals or other substances in the work place. In these circumstances, an employer must obtain specific written and informed consent of an employee or applicant for employment.

Fiscal Summary

State Effect: None. Although the bill may result in additional cases for the Judiciary, the Human Relations Commission, and the Office of Administrative Hearings, any increase in workload is expected to be minimal and able to be absorbed within existing resources.

Local Effect: None.

Small Business Effect: Potential minimal. Small businesses may be subject to litigation arising as a result of the bill's requirements.

Analysis

Current Law: Discrimination in the areas of labor and employment on the basis of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap is

prohibited. The use of genetic information is not considered an unlawful employment practice. Health insurers cannot discriminate against an individual based on genetic information.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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