

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Engrossed Senate Bill No. 92 by Senator Cathey

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 23:368" delete the remainder of the line

3 AMENDMENT NO. 2

4 On page 1, delete line 3 in its entirety and insert in lieu thereof the following:

5 "and to enact R.S. 23:302(9),"

6 AMENDMENT NO. 3

7 On page 1, line 9, after "R.S. 23:368" delete the remainder of the line

8 AMENDMENT NO. 4

9 On page 1, delete line 10 in its entirety and insert in lieu thereof the following:

10 "is hereby amended and reenacted"

11 AMENDMENT NO. 5

12 On page 4, delete lines 16 through 29 in their entirety and insert in lieu thereof the following:

13 "E. The following exceptions shall apply to the nondiscrimination requirements:

14 (1) An employer, labor organization, or employment agency may
 15 request or require a medical clearance for any employee who has been absent
 16 for work due to illness or injury, as a prerequisite for the employee to return to
 17 work.

18 (2) An employer, labor organization, or employment agency may request or
 19 require protected genetic information with respect to an applicant who has been
 20 given a conditional offer of employment or to an employee if:

21 (a) The information obtained is to be used exclusively to assess whether
 22 further medical evaluation is needed to diagnose a current disease, or medical
 23 condition or disorder;

24 (b) Such current disease, or medical condition or disorder could prevent the
 25 applicant or employee from performing the essential functions of the position held
 26 or desired; ~~and,~~

27 (c) The information will not be disclosed to persons other than medical
 28 personnel involved in or responsible for assessing whether further medical evaluation
 29 is needed to diagnose a current disease, or medical condition or disorder.

30 ~~(2)~~(3) For therapeutic purposes only, an employer, labor organization, or
 31 employment agency may request, collect, or purchase protected genetic information
 32 with respect to an employee, or any information about a request for or receipt of
 33 genetic services by such employee if:

34 (a) The employee uses genetic or health care services provided by the
 35 employer.

36 (b) The employee who uses the genetic or health care services has provided
 37 prior knowing, voluntary, and written authorization to the employer to collect
 38 protected genetic information.

39 (c) The person who performs the genetic or health care services does not
 40 disclose protected genetic information to anyone except to the employee who uses
 41 the services for treatment of the individual; for program evaluation or assessment;

1 for compiling and analyzing information in anticipation of or for use in a civil or
2 criminal legal proceeding; or for payment or accounting purposes, to verify that the
3 service was performed, but in such cases the genetic information itself cannot be
4 disclosed.

5 (d) Such information is not used in violation of Subsection B, C, or D of this
6 Section.

7 ~~(3)~~(4) Genetic monitoring of biological effects of toxic substances in the
8 workplace shall be permitted if all of the following conditions are met:

9 (a) The employee has provided prior knowing, voluntary, and written
10 authorization.

11 (b) The employee is notified when the results of the monitoring are available
12 and, at that time, the employer makes any protected genetic information that may
13 have been acquired during the monitoring available to the employee and informs the
14 employee how to obtain such information.

15 (c) The monitoring conforms to any genetic monitoring regulations that may
16 be promulgated by the secretary of the Louisiana Workforce Commission.

17 (d) The employer, excluding any licensed health care professionals that are
18 involved in the genetic monitoring program, receives results of the monitoring only
19 in aggregate terms that do not disclose the identity of specific employees."
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21 AMENDMENT NO. 6

22 Delete page 5 in its entirety