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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka D. Butler.

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DIGEST

SB 200 Original

2023 Regular Session

Duplessis

Present law provides definitions relative to prohibited employment discrimination.

Proposed law retains present law and defines the terms "medically necessary", "preventive cancer screening", and "reprisal".

Present law protects qualified persons from employment discrimination on the basis of protected genetic information and prohibits employers, labor organizations, and employment agencies from engaging in certain discriminatory practices in the workplace.

Proposed law retains present law and further forbids discrimination or retaliation against employees who are absent from work due to genetic testing or a medically necessary cancer screening.

Proposed law makes it unlawful for an employer to fail or refuse to hire, promote, or to discharge, demote, suspend, threaten, harass, discipline, discriminate, or retaliate against an employee who is absent from work due to genetic testing or a medically necessary cancer screening.

Proposed law makes it unlawful for employers, employment agencies, or labor unions to do any of the following to adversely affect employees who are absent from work due to genetic testing or a medically necessary cancer screening:

- (1) Limit, segregate, or classify employees in any way which would deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because the individual is absent from work due to genetic testing or a medically necessary cancer screening.
- (2) Reduce the employee's wage rate.
- (3) Fail or refuse to refer the employee for employment.
- (4) Exclude or expel the employee from membership.

Proposed law provides that employers, employment agencies, or labor organizations are not required to provide paid time off to employees who are absent from work due to genetic testing or a medically necessary cancer screening.

Proposed law provides that the disclosure of an employee's genetic test or cancer screening results are optional. Proposed law further provides that an employee's decision not to disclose the results of his genetic test or cancer screening is protected by the Health Information Portability and

Accountability Act (HIPAA) and the Genetic Information and Nondiscrimination Act (GINA).

Proposed law provides civil remedies.

Effective August 1, 2023.

(Amends R.S. 23:302(7) and (8); adds R.S. 23:302(9)-(11) and 370-372)