

HOUSE BILL No. 5231

October 16, 2001, Introduced by Reps. Schauer, Raczkowski, Zelenko, Bovin, Jacobs, Rivet, Bernero, Basham, Sheltroun, Whitmer, Rich Brown, Neumann, Frank, Mans, Kolb, Spade, Minore, Bogardus, Hardman and DeWeese and referred to the Committee on Health Policy.

A bill to amend 1976 PA 220, entitled
"Persons with disabilities civil rights act,"
by amending section 202 (MCL 37.1202), as amended by 2000 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 202. (1) Except as otherwise required by federal law,
2 an employer shall not:

3 (a) Fail or refuse to hire, recruit, or promote an individ-
4 ual because of a disability or genetic information that is unre-
5 lated to the individual's ability to perform the duties of a par-
6 ticular job or position.

7 (b) Discharge or otherwise discriminate against an individ-
8 ual with respect to compensation or the terms, conditions, or
9 privileges of employment, because of a disability or genetic
10 information that is unrelated to the individual's ability to
11 perform the duties of a particular job or position.

1 (c) Limit, segregate, or classify an employee or applicant
2 for employment in a way which deprives or tends to deprive an
3 individual of employment opportunities or otherwise adversely
4 affects the status of an employee because of a disability or
5 genetic information that is unrelated to the individual's ability
6 to perform the duties of a particular job or position.

7 (d) Fail or refuse to hire, recruit, or promote an individ-
8 ual on the basis of physical or mental examinations that are not
9 directly related to the requirements of the specific job.

10 (e) Discharge or take other discriminatory action against an
11 individual on the basis of physical or mental examinations that
12 are not directly related to the requirements of the specific
13 job.

14 (f) Fail or refuse to hire, recruit, or promote an individ-
15 ual when adaptive devices or aids may be utilized thereby ena-
16 bling that individual to perform the specific requirements of the
17 job.

18 (g) Discharge or take other discriminatory action against an
19 individual when adaptive devices or aids may be utilized thereby
20 enabling that individual to perform the specific requirements of
21 the job.

22 (h) Require an individual to submit to a genetic test or to
23 provide genetic information as a condition of employment or
24 promotion.

25 (I) REQUIRE AN INDIVIDUAL TO CONSENT TO DISCLOSE HEALTH CARE
26 INFORMATION, AS DEFINED IN SECTION 3 OF THE HEALTH CARE
27 INFORMATION PROTECTION AND PRIVACY ACT, THAT IS NOT DIRECTLY

1 RELATED TO THE INDIVIDUAL'S ABILITY TO PERFORM THE DUTIES OF A
2 PARTICULAR JOB.

3 (2) Subsection (1) does not prohibit an individual from vol-
4 untarily providing to an employer genetic information that is
5 related to the employee's health or safety in the workplace.

6 Subsection (1) does not prohibit an employer from using genetic
7 information received from an employee under this subsection to
8 protect the employee's health or safety.

9 (3) This section shall not apply to the employment of an
10 individual by his or her parent, spouse, or child.

11 (4) Except as otherwise provided in subsection (2), no
12 employer may directly or indirectly acquire or have access to any
13 genetic information concerning an employee or applicant for
14 employment, or a member of the employee's or applicant's family.

15 Enacting section 1. This amendatory act does not take
16 effect unless House Bill No. 4936 of the 91st Legislature is
17 enacted into law.