

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 1954.

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

20 (c) An employer, employment agency, labor organization,
21 and licensing agency shall not directly or indirectly do any of
22 the following:

23 (1) solicit, request, require or purchase genetic

1 testing or genetic information of a person or a family
2 member of the person, or administer a genetic test to a
3 person or a family member of the person as a condition of
4 employment, preemployment application, labor organization
5 membership, or licensure;

6 (2) affect the terms, conditions, or privileges of
7 employment, preemployment application, labor organization
8 membership, or licensure, or terminate the employment,
9 labor organization membership, or licensure of any person
10 because of genetic testing or genetic information with
11 respect to the employee or family member, or information
12 about a request for or the receipt of genetic testing by
13 such employee or family member of such employee;

14 (3) limit, segregate, or classify employees in any way
15 that would deprive or tend to deprive any employee of
16 employment opportunities or otherwise adversely affect the
17 status of the employee as an employee because of genetic
18 testing or genetic information with respect to the employee
19 or a family member, or information about a request for or
20 the receipt of genetic testing or genetic information by
21 such employee or family member of such employee; and

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

25 (d) An agreement between a person and an employer,
26 prospective employer, employment agency, labor organization,

1 or licensing agency, or its employees, agents, or members
2 offering the person employment, labor organization membership,
3 licensure, or any pay or benefit in return for taking a genetic
4 test is prohibited.

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

22 (f) Nothing in this Act shall be construed to prohibit
23 genetic testing of an employee who requests a genetic test and
24 who provides written authorization, in accordance with Section
25 30 of this Act, from taking a genetic test for the purpose of
26 initiating a workers' compensation claim under the Workers'

1 Compensation Act.

2 (g) A purchase of commercially and publicly available
3 documents, including newspapers, magazines, periodicals, and
4 books but not including medical databases or court records or
5 inadvertently requesting family medical history by an
6 employer, employment agency, labor organization, and licensing
7 agency does not violate this Act.

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

18 (i) Nothing in this Act shall be construed to prohibit an
19 employer from requesting or requiring genetic information to be
20 used for genetic monitoring of the biological effects of toxic
21 substances in the workplace, but only if (1) the employer
22 provides written notice of the genetic monitoring to the
23 employee; (2) the employee provides written authorization
24 under Section 30 of this Act or the genetic monitoring is
25 required by federal or State law; (3) the employee is informed
26 of individual monitoring results; (4) the monitoring is in

1 compliance with any federal genetic monitoring regulations or
2 State genetic monitoring regulations under the authority of the
3 federal Occupational Safety and Health Act of 1970; and (5) the
4 employer, excluding any health care provider, health care
5 professional, or health facility that is involved in the
6 genetic monitoring program, receives the results of the
7 monitoring only in aggregate terms that do not disclose the
8 identity of specific employees.

9 (j) Despite lawful acquisition of genetic testing or
10 genetic information under subsections (e) through (i) of this
11 Section, an employer, employment agency, labor organization,
12 and licensing agency still may not use or disclose the genetic
13 test or genetic information in violation of this Act.

14 (k) Except as provided in subsections (e), (f), (h), and
15 (i) of this Section, a person shall not knowingly sell to or
16 interpret for an employer, employment agency, labor
17 organization, or licensing agency, or its employees, agents, or
18 members, a genetic test of an employee, labor organization
19 member, or license holder, or of a prospective employee,
20 member, or license holder.

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