

# FINAL BILL REPORT

## ESB 6180

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C 12 L 04

Synopsis as Enacted

**Brief Description:** Prohibiting the use of genetic information in employment decisions.

**Sponsors:** Senators Franklin, Eide, Prentice, Kline, Fraser, Hargrove, B. Sheldon, Kohl-Welles, Fairley, Kastama, Regala, McAuliffe, Keiser, Shin, Jacobsen, T. Sheldon, Spanel, Roach and Rasmussen.

**Senate Committee on Commerce & Trade**

**House Committee on Commerce & Labor**

**Background:** Genetic testing is used by some employers in an attempt to predict diseases that job applicants and employees may contract, particularly those associated with occupational hazards. These tests also have the capacity to identify the sex, race, and ethnic-religious origins of individuals who are tested. Proponents of genetic testing in employment claim that such testing helps to control health care costs. Among the arguments raised by those opposed to genetic testing are that the tests are highly invasive, discriminate against individuals who may never get a particular disease, and are not predictive of job performance.

The Equal Employment Opportunity Commission, the federal agency that enforces the Americans with Disabilities Act (ADA), has taken the position that basing employment decisions on genetic testing violates the ADA.

**Summary:** Genetic information is defined as information about inherited characteristics that can be derived from DNA-based or other laboratory tests, family history, or medical examination, but not including routine tests for the abuse of alcohol or drugs, or the presence of HIV. Requiring an employee or prospective employee to submit to screening for genetic information as a condition of employment or continued employment is unlawful.

**Votes on Final Passage:**

Senate 49 0

House 94 0

**Effective:** June 10, 2004