

SENATE BILL REPORT

SB 5665

As of February 26, 2001

Title: An act relating to protecting genetic information.

Brief Description: Protecting genetic information.

Sponsors: Senators Prentice, Winsley, Franklin, Hochstatter, Kohl-Welles, Kastama, Hargrove, Fairley, Patterson, Kline, Shin, B. Sheldon and Jacobsen.

Brief History:

Committee Activity: Judiciary: 2/26/01.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: In the last ten years, thousands of genes have been located on chromosomes by researchers. The location of genes which cause numerous conditions, such as Huntington's disease, some breast and ovarian cancers, and some forms of Alzheimer's disease, have been discovered. The tests for such genetic disorders are becoming more obtainable and, in the near future, less expensive. The scientific strides in this area give rise to many questions including whether employers, insurance companies, and the government may access an individual's genetic information. Concern exists on the part of consumers that access to genetic information would violate privacy rights and lead to discrimination.

Summary of Bill: An individual's fundamental right of privacy to his or her genetic information is declared. The purpose of the legislation is stated as prohibiting discrimination based on genetic information, protecting the results of genetic tests as private information and not to be disclosed without consent, and prohibiting the requirement of genetic testing or the release of genetic information as a condition of employment, real estate or credit transactions, or insurance.

"Genetic information, genetic services, and genetic test" are defined. It is a misdemeanor to deny to any person because of race, creed, color, or genetic information, the full enjoyment of any accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

A person is guilty of malicious harassment if he or she maliciously and intentionally causes physical injury, damage to property, or places a person in reasonable fear of harm because of genetic information or genetic characteristics.

Genetic information that is the result of testing to determine paternity or nonpaternity must not be made available for any other purpose than paternity determination.

No insurer may require or use genetic information as a basis for discrimination between individuals. No person or entity engaged in insurance may refuse to issue insurance or cancel or decline to renew such a contract because of genetic information of the prospective insured. The Washington State health insurance pool and a carrier who have an enrollee's genetic information may not disclose it except with written permission to do so by the subject of the information. No health care service contractor or health maintenance organization may deny coverage to a person solely on account of genetic information.

The right to be free from discrimination because of genetic information is declared to be a civil right. It is an unfair practice for any employer to discharge or refuse to hire any person because of genetic information. An employer or labor union may not offer an inducement to undergo a genetic test or disclose genetic information, question a person about his or her genetic information, or require a genetic test or disclosure about genetic information as a condition of employment or membership.

Appropriation: None.

Fiscal Note: Requested on February 25, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.