

105TH CONGRESS  
1ST SESSION

# H. R. 2215

To amend the Fair Labor Standards Act of 1938 to restrict employers  
in obtaining, disclosing, and using of genetic information.

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IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. KENNEDY of Massachusetts introduced the following bill; which was  
referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to restrict  
employers in obtaining, disclosing, and using of genetic  
information.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Genetic Non-  
5 discrimination in the Workplace Act”.

6 **SEC. 2. GENETIC INFORMATION.**

7 The Fair Labor Standards Act of 1938 (29 U.S.C.  
8 201 et seq.) is amended by adding at the end the follow-  
9 ing:

1 “GENETIC INFORMATION

2 “SEC. 20. (a) No employer may obtain from any  
3 source genetic information about an employee or prospec-  
4 tive employee unless authorized by such employee or pro-  
5 spective employee in accordance with subsection (b).

6 “(b) An authorization for the disclosure of genetic in-  
7 formation about an employee or prospective employee to  
8 an employer is valid only if each of the following require-  
9 ments is met:

10 “(1) The authorization is in writing, signed by  
11 the individual making the authorization, and dated  
12 on the date of the signature.

13 “(2) The authorization is not on a form used  
14 for any other purpose.

15 “(3) The employer authorized to receive the in-  
16 formation is specifically named in the authorization.

17 “(4) The authorization contains an acknowledg-  
18 ment that the individual making the authorization  
19 has received the statement described in subsection  
20 (c).

21 “(c) An employer who wishes to receive genetic infor-  
22 mation about an employee or prospective employee shall  
23 provide the employee or prospective employee with a writ-  
24 ten statement of the uses which the employer intends for  
25 such genetic information.

1       “(d) If an employer obtains, discloses, or uses genetic  
2 information without a valid authorization or not in accord-  
3 ance with a statement provided under subsection (c), the  
4 employee or prospective employee whose genetic informa-  
5 tion was so obtained, disclosed, or used may bring a civil  
6 action for actual damages and equitable relief.

7       “(e) Nothing in this section authorizes an employer  
8 to obtain, disclose, or use genetic information about an  
9 employee or prospective employee in violation of the Amer-  
10 icans With Disabilities Act of 1990 or any other Federal  
11 or State law that restricts access to, disclosure of, or use  
12 of genetic information.”.

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