

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

247E0029

## SENATE BILL NO. 2

Introduced by: Senators Madden and Ham and Representatives McCoy and Slaughter at  
the request of Interim Judiciary Committee

1 FOR AN ACT ENTITLED, An Act to prohibit employers from obtaining, seeking, or using  
2 genetic information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 60-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 It is an unlawful employment practice for an employer to seek to obtain, to obtain, or to use  
7 genetic information, as defined in section 2 of this Act, of an employee or a prospective  
8 employee to distinguish between or discriminate against employees or prospective employees or  
9 restrict any right or benefit otherwise due or available to an employee or a prospective employee.  
10 Any employee or prospective employee claiming to be aggrieved by this unlawful employment  
11 practice may bring a civil suit for damages in circuit court. The court may award reasonable  
12 attorney fees and costs in addition to any judgment awarded to the employee or prospective  
13 employee.

14 Section 2. That chapter 60-2 be amended by adding thereto a NEW SECTION to read as  
15 follows:

- 1 For the purposes of this Act, genetic information is the information about an individual or
- 2 family obtained from a genetic test or an individual's deoxyribonucleic acid (DNA) sample.