

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

247E0029

SENATE ENGROSSED NO. **SB 2** - 01/19/2001

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 However, it is not an unlawful employment practice for an employer to seek to obtain, to obtain,
11 or to use genetic information if the employer is a law enforcement agency conducting a criminal
12 investigation. Any employee or prospective employee claiming to be aggrieved by this unlawful
13 employment practice may bring a civil suit for damages in circuit court. The court may award
14 reasonable attorney fees and costs in addition to any judgment awarded to the employee or
15 prospective employee.

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

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