

## State laws pertaining to surreptitious DNA testing

### Iowa

*Does the law restrict the collection or analysis of DNA or disclosure of results of analysis?*

Yes, but only in context of employment-related testing.

*Code section(s) analyzed*

IA Code § 729.6

*How genetic testing is defined*

Genetic test is "a test of a person's genes, gene products, or chromosomes, for abnormalities or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or that demonstrate genetic or chromosomal damage due to environmental factors."

*Is DNA defined as property or as confidential?*

No.

*To whom does the law apply and what does it prohibit/restrict?*

An employer, agency, labor organization, licensing agency, or its employees, agents, or members shall not directly or indirectly: solicit, require, or administer a genetic test to a person as a condition of employment, pre-employment application, labor organization membership, or licensure; affect the terms, conditions, or privileges of employment, pre-employment application, labor organization membership, or licensure; or terminate the employment, labor organization membership, or licensure of any person who obtains a genetic test. A person shall not sell to or interpret for an employer, employment agency, labor organization, or licensing agency, or its employees, agents, or members, a genetic test of an employee, labor organization member, or licensee, or of a prospective employee, member, or licensee unless employee requests or consents to testing in relation to workers compensation claim or exposure to toxic substance.

*Exceptions*

No exceptions found.

*Penalties*

A person who violates this section or who aids in the violation of this section is liable to an aggrieved employee, labor organization member, or licensee, or aggrieved prospective employee, member, or licensee, for affirmative relief including reinstatement or hiring, with or without back pay; membership; licensing; or any other equitable relief as the court deems appropriate, including attorney fees and court costs.

*Would state law prohibit surreptitious genetic testing, in particular for purposes of paternity, ancestry, and identity?*

No, except for health-related testing in the employment context. The law would not prohibit surreptitious testing outside the employment context or for non-health-related testing.