

State laws pertaining to surreptitious DNA testing

Minnesota

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

Yes, law prohibits collection of DNA sample, performance of DNA analysis, or disclosure of results of analysis without consent of person tested.

Code section(s) analyzed

MN Stat. § 13.386 sec 4

How genetic testing is defined

"Genetic information means information about an identifiable individual derived from the presence, absence, alteration, or mutation of a gene, or the presence or absence of a specific DNA or RNA marker, which has been obtained from an analysis of: (1) the individual's biological information or specimen; or (2) the biological information or specimen of a person to whom the individual is related."

Is DNA defined as property or as confidential?

No.

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

Any government entity or other person who collects a DNA sample, performs DNA analysis, or discloses the results of a DNA analysis without consent of the person tested. Government entity means a state agency, statewide system, or political subdivision. Person means any individual, partnership, corporation, association, business trust, or a legal representative of an organization.

Exceptions

Unless otherwise expressly provided by law.

Penalties

No penalties provided in statute.

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

Law would prohibit surreptitious collection, analysis, and disclosure. Would cover both individual who collects and discloses and laboratory that performs analysis if proper consent not obtained.