

## State laws pertaining to surreptitious DNA testing

### Montana

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

No. However, use of genetic information by insurers or employers is restricted.

*Code section(s) analyzed*

MT Code Anno. §§ 33-18-901

*How genetic testing is defined*

"Genetic test means a test used to diagnose a pre-symptomatic genetic factor, including analysis of human deoxyribonucleic acid or ribonucleic acid, chromosomes, proteins, or metabolites."

*Is DNA defined as property or as confidential?*

No.

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

Law restricts use of genetic information by employers and insurers. Prohibits insurers from seeking genetic information for non-therapeutic purposes.

*Exceptions*

If required by law to establish parentage; for newborn screening; in connection with a criminal investigation or prosecution; for remains identification.

*Penalties*

No penalties found.

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

The law would not prohibit surreptitious testing.