

State laws pertaining to surreptitious DNA testing

Nevada

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

Yes, law prohibits obtaining, retaining, or disclosing health-related genetic information without consent.

Code section(s) analyzed

NV Rev. Stat. Ann. §§ 613.345, 629.101 to 629.201

How genetic testing is defined

"Genetic test means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that: 1. Are linked to physical or mental disorders or impairments; or 2. Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental." "Genetic information means any information that is obtained from a genetic test."

Is DNA defined as property or as confidential?

No.

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

Any person who obtains, retains, or discloses genetic information without consent of the person tested.

Exceptions

Purposes of criminal investigation; by court order; otherwise authorized by state or federal law or regulation; paternity pursuant to specified provisions of statute; identification of deceased individuals; newborn screening.

Penalties

Violation is a misdemeanor. An individual subject to disclosure may bring civil action for recovery of damages, costs, and attorney fees.

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

The law would prohibit surreptitious health-related testing and disclosure of genetic information obtained from such testing by any person. The law would not prohibit surreptitious testing for non-health-related purposes, given the narrow definition of genetic testing.