

State laws pertaining to surreptitious DNA testing

New Hampshire

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

Yes, law prohibits disclosure of genetic test results without consent. Also prohibits nonconsensual analysis of New Hampshire resident or person within the state.

Code section(s) analyzed

NH Stat. §§ 141-H:1 to 141-H:6

How genetic testing is defined

"'Genetic testing' means a test, examination, or analysis which is generally accepted in the scientific and medical communities for the purpose of identifying the presence, absence, or alteration of any gene or chromosome, and any report, interpretation, or evaluation of such a test, examination, or analysis, but excludes any otherwise lawful test, examination, or analysis that is undertaken for the purpose of determining whether an individual meets reasonable functional standards for a specific job or task."

Is DNA defined as property or as confidential?

No.

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

Any person who discloses results of genetic testing without consent of the person tested. Also prohibits nonconsensual analysis of sample of anyone within the state and on New Hampshire residents outside the state based on sample collected within the state.

Exceptions

Criminal investigations and prosecutions; medical examiner's needs; newborn screening; court-ordered paternity.

Penalties

Private right of action for damages.

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

Law would prohibit disclosure of genetic information obtained pursuant to surreptitious analysis. It would also prohibit surreptitious analysis, but only on a person located in New Hampshire or a New Hampshire resident anywhere if specimen collected in New Hampshire.