

## State laws pertaining to surreptitious DNA testing

### Oregon

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

Yes, law prohibits collection, analysis, and disclosure without consent.

*Code section(s) analyzed*

OR Stat. § 192.531

*How genetic testing is defined*

“Genetic test’ means a test for determining the presence or absence of genetic characteristics in an individual or the individual’s blood relatives, including tests of nucleic acids such as DNA, RNA and mitochondrial DNA, chromosomes or proteins in order to diagnose or determine a genetic characteristic.”

*Is DNA defined as property or as confidential?*

"Genetic information is uniquely private and personal information that generally should not be collected, retained or disclosed without the individual’s authorization."

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

Any person who collects a DNA sample, performs DNA analysis, or discloses the results of a DNA analysis without consent of the person tested.

*Exceptions*

Law enforcement; de-identified research; body identification; newborn screening; paternity; deceased individuals.

*Penalties*

Class A misdemeanor and 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 surreptitious collection, testing, or disclosure of results for both health-related and non-health-related genetic testing.