

State laws pertaining to surreptitious DNA testing

Vermont

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

Yes, law restricts release of bodily materials for analysis and analysis for health-related purpose without consent.

Code section(s) analyzed

18 V.S.A. §§ 9331-9335

How genetic testing is defined

"Genetic testing means a test, examination or analysis that is diagnostic or predictive of a particular heritable disease or disorder and is of: (i) a human chromosome or gene; (ii) human DNA or RNA; or (iii) a human genetically encoded protein."

Is DNA defined as property or as confidential?

No.

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

No genetic testing shall be performed on any individual or body parts of any individual nor shall any bodily materials be released for purposes of genetic testing without the prior written authorization and informed consent of the individual to be tested.

Exceptions

To establish parentage; newborn screening; criminal investigation or prosecution; remains identification by the chief medical examiner or designee; forensic DNA database; medical research.

Penalties

Intentional violation of discrimination provisions is subject to imprisonment not more than one year or fine up to \$10,000 or both, as well as civil action for damages. Violation of unauthorized testing provision subject to civil action for damages.

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

Surreptitious genetic testing by any person for health-related purposes would be prohibited. Definition of genetic test would not encompass non-health-related testing.