

State laws pertaining to surreptitious DNA testing

Washington

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

Yes, provider cannot release information derived from patient's DNA without consent and no person may release sample obtained pursuant to parentage proceeding.

Code section(s) analyzed

Rev. Code Wash. §§ 49.44.180, 26.26.450, 70.02-005 to 70.02.010, 70.02.070

How genetic testing is defined

"Genetic information . . . is information about inherited characteristics that can be derived from a DNA-based or other laboratory test, family history, or medical examination." "Genetic testing" means "an analysis of genetic markers only to exclude or identify a man as the father or a woman as the mother of a child."

Is DNA defined as property or as confidential?

Health care information, including information derived from a patient's DNA, is personal and sensitive information.

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

Provider may not disclose health care information, including information derived from a person's DNA, without authorization. An individual who intentionally releases an identifiable specimen of another individual for any purpose other than that relevant to a parentage proceeding without a court order or the written permission of the individual who furnished the specimen. Also note that no person can require genetic testing as condition of employment.

Exceptions

No exceptions found.

Penalties

Unauthorized disclosure of health care information subject to civil remedies. Intentional release of identifiable specimen for other than parentage proceeding is gross misdemeanor punishable by imprisonment up to one year and/or up to \$5000 fine.

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

Law would prohibit a provider from disclosing health-related genetic test results without consent. Law would also prohibit release of specimen obtained pursuant to parentage proceeding without court order or consent. Law would not otherwise restrict surreptitious testing.