

State laws pertaining to surreptitious DNA testing

Wisconsin

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

Yes, but only in the context of employment-related testing.

Code section(s) analyzed

WI Stat. §§ 111.32, 111.372, 631.89

How genetic testing is defined

"Genetic testing means a test of a person's genes, gene products or chromosomes, for abnormalities or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, impairment or other disorders, whether physical or mental, or that demonstrate genetic or chromosomal damage due to environmental factors."

Is DNA defined as property or as confidential?

No.

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

No person may sell to or interpret for an employer, labor organization, employment agency or licensing agency a genetic test of an employee, labor organization member or licensee or of a prospective employee, labor organization member or licensee without that person's consent.

Exceptions

No exceptions found.

Penalties

Violation of disclosure prohibition is a Class B misdemeanor.

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

The law prohibits any person from selling to or interpreting for an employer a health-related genetic test of an employee. Law would not otherwise prohibit surreptitious testing.