

State laws pertaining to surreptitious DNA testing

Wyoming

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

Yes. In the context of court-ordered paternity testing, no testing for purpose other than paternity determination may be conducted without written consent.

Code section(s) analyzed

WY Stat. §§ 14-2-402, 14-2-710

How genetic testing is defined

In context of paternity testing: "genetic information" means "any information about genes, gene products or inherited characteristics that may derive from the individual or a family member, including, but not limited to, information: (i) Regarding carrier status; (ii) Regarding an increased likelihood of future disease or increased sensitivity to any substance; (iii) Derived from laboratory tests that identify mutations in specific genes or chromosomes, physical medical examinations, family histories, requests for genetic services or counseling, tests of gene products and direct analysis of genes or chromosomes." "Genetic testing" means "an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one (1) or a combination of the following: (A) Deoxyribonucleic acid; and (B) Blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins or red-cell enzymes.

Is DNA defined as property or as confidential?

"All information obtained from identifiable genetic material submitted or used for determination of paternity shall be confidential and used solely for the purposes of determining paternity, unless individual identifiers are removed from the data used for purposes other than establishing paternity."

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

Any person who releases "any information obtained in paternity testing without the written consent of the individual from whom the genetic material is obtained to anyone not directly involved in the paternity determination" without consent of the person tested or subpoena. Any person who conducts testing on "any identifiable genetic material for purposes other than paternity determination without the written consent of the individual from whom the genetic material is obtained."

Exceptions

No exceptions found.

Penalties

Violation is a misdemeanor punishable by up to \$1000 or up to one year imprisonment.

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

Provision prohibiting testing of genetic material without consent other than for paternity determination could be interpreted to preclude surreptitious collection of sample for paternity testing, as well as testing for purposes beyond paternity of a sample that was collected to determine paternity. However, this provision could also be interpreted to apply only to court-ordered paternity testing and not to paternity testing done without a court order.