

Know Your Rights: Pennsylvania Pregnant or Parenting Adults Drug Tests and Screens

Before you say ok to a drug test or answer questions about your substance use, remember that you have legal rights.

As an adult, you have the right to direct your medical treatment:

- You have the **right to refuse** drug tests, drug screens, and drug treatment.
- You can **ask questions about any medical consent forms**. Some forms ask you to consent to any treatment, so you can ask what that treatment will be.
- You can **ask for a patient representative or a translator**.

You have **extra rights in government-run settings, like city or state hospitals, universities, and schools**:

- You have a constitutional **right to privacy** related to your blood and urine.
- You are **protected against drug tests that you don't know about and that you don't agree to**, when the purpose is to provide information to law enforcement.

If you suspect a violation of your rights:

1. If the problem can be fixed, **tell someone in the room** and ask them to help fix the problem.
2. If safely possible, **document the violation** by taking notes about what is happening.
3. If the problem was not fixed, **report the violation** to an organization that may be able to help. You can contact the Women's Law Project at 215-928-5761 or info@womenslawproject.org.

If you or a loved one is seeking confidential and supportive treatment related to substantive use during pregnancy or the postpartum period, you can reach the Maternal Addiction Treatment, Education and Research (MATER) program at Jefferson University Hospital at 215-955-3792.



The information in this fact sheet is not intended to serve as legal advice nor should it substitute for legal counsel. The fact sheet is not exhaustive, and the law is subject to change. Healthcare providers and their patients are encouraged to seek additional technical guidance to supplement the information provided.

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After a drug test, you have legal rights related to confidentiality.

Under federal and Pennsylvania law, **you have the right to keep your medical records confidential.**

- **A program** that helps with substance use disorders **usually is not allowed to reveal information** that identifies you as having a substance use disorder.
- **A medical provider usually must get your consent before revealing** records and information related to drug and alcohol abuse. You have the **right to withhold consent.**

However, to make a report of suspected child abuse or a referral for general protective services, the law may allow healthcare providers to reveal your confidential medical information.

ChildLine Reports:

In Pennsylvania, a positive drug test or screen does **not** automatically mean that your healthcare provider must report you to “ChildLine” or make a notification to the Department of Human Services.

If there are no actual effects on a child and if there is no reasonable cause to suspect that your drug use is related to actual child abuse, then your provider is not required to report a positive drug test.

(Note: Even though healthcare providers do not always have to report positive drug tests, some may still choose to do so.)

After a ChildLine Report:

In Pennsylvania, **the government cannot require a drug test** as part of an initial child abuse investigation.

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