

Support A4285/S4281

We are fighting for a law that will increase the rights of parenting and pregnant people, especially those who use drugs.



WE'RE FIGHTING FOR A LAW THAT'LL REQUIRE:

If your medical provider tries to ask you questions about drug/alcohol use during pregnancy, or plans to test you for drugs/alcohol use during pregnancy, they **MUST**

1. Tell you in the language **YOU CHOOSE** why the test is necessary for your care.
2. Get your **PERMISSION** verbally and in writing **BEFORE** asking or doing any tests for drugs and/or alcohol usage during pregnancy.
3. Tell you there is a risk they will report a positive result or disclosure of use to child protective services.
4. You **CAN SAY NO!**

THIS LAW WOULD ALSO APPLY TO YOUR BABY!

If your medical provider wants to test your newborn for drugs and/or alcohol, they **MUST**:

1. Tell you in the language **YOU CHOOSE**, or someone you choose to speak for your newborn, why the test is necessary for your newborn's care.
2. Get **PERMISSION** from you, or the person you choose to speak for your newborn, verbally and in writing **BEFORE** doing any tests for drugs and/or alcohol on your newborn.
3. Tell you there is a risk they will report a positive result to child protective services.
4. You, or the person you choose to speak for your newborn, **CAN SAY NO!**

We are
the Drug
Policy
Alliance.

The Bronx
Defenders

Redefining
public
defense

MFP
MOVEMENT FOR
FAMILY POWER


JMACFORFAMILIES
ADVOCATE AND ORGANIZE FOR CHILD WELFARE TRANSFORMATION

When would these rights start?
BEFORE ANY TESTING IS DONE!

1. If you **SAY NO** to testing, or do not wish to disclose use they **CAN'T** refuse to care for you or your baby.
2. If you, or the person you choose to speak for your newborn, **SAY NO** to testing, they **CAN'T** withhold medical care from your newborn.
3. They **MUST** give you, or the person you choose to speak for your newborn, time to think about the decision.
4. They **CAN'T PRESSURE** you, or the person you choose to speak for your newborn, to agree to testing.
5. They must tell you, or the person you choose to speak for your newborn, in writing, that a positive test could have **LEGAL RISKS** such as a report to child protective services.
6. They must tell you that you, or the person you choose to speak for your newborn, can talk to a lawyer before or after consent is given for the drug and/or alcohol testing.
7. They must tell you in writing, or the person you choose to speak for your newborn, who can get the results of the testing.
8. They must explain in writing what the test is and why they did it. There are people who can help, [click this link to find more!](#)

EMERGENCY SITUATIONS

1. In an emergency, a medical provider can order drug and/or alcohol testing for you and your newborn without consent **IF** your health or your newborn's health is at risk.
2. If this happens, they must provide you, or the person you choose to speak for your newborn, a written and verbal explanation of the results of the testing, in a language of your choice.
3. The written document **MUST** explain the following:
 - a. A positive result for drugs and/or alcohol can have **LEGAL RISKS**, including but not limited to a report to child protective services and you may wish to speak to a lawyer;
 - b. You or the person you choose to speak for your newborn, may **APPEAL** the decision that unconsented testing was necessary due to an emergency;
 - c. The emergency situation that required the unconsented testing;
 - d. Who can get the results of the drug and/or alcohol testing.

You can join the campaign to fight for this law at Movementforfamilypower.org/reimagine-support. You can also voice your support for this law to pass by signing this letter at bit.ly/informed-consent-letter