

Does A Positive Drug Test Follow You? Experts Explain What Employers Can and Can't See

Privacy laws create stronger protection than social media horror stories suggest

Key Points:

- **Drug testing expert reveals what employers can legally access after a positive test and what information remains confidential**
- **Results are treated as medical information with privacy protections, not public records that follow you indefinitely**
- **Expert explains the difference between what safety-sensitive roles require versus standard employment screening practices**

Social media is full of horror stories about failed drug tests destroying careers permanently, with Reddit threads filled with people convinced their positive result will haunt every future job application. But according to drug testing experts, the reality of how these results are stored, shared, and accessed is far less dramatic than the internet suggests.

“There's a gap between what people fear will happen and what actually occurs after a positive drug test,” explains Mona Montanino, President of [12 Panel Now](https://www.12panelnow.com), a provider of drug testing supplies for workplaces and medical facilities. “Drug test results are treated as confidential medical information.”

As workplaces balance safety requirements, legal obligations, and employee privacy, understanding who can access your drug test results and when can reduce anxiety and clarify your rights.

What Employers Can See and What They Can Do With It

Montanino breaks down what happens to drug test data and what legal protections exist for employees and job seekers.

Results Are Usually Confidential Medical Information

Under federal law, drug test results fall under the same privacy protections as other medical records. HIPAA and the ADA impose strict limits on how employers can handle and share this information.

Drug test results for employment go to a Medical Review Officer (MRO) or designated company representative. They do not go to your supervisor's inbox or the general HR filing system.

“The results are kept in a separate, confidential medical file,” Montanino says. “They're not part of your personnel file that anyone in HR can pull up. Access is restricted to specific individuals who have a legitimate business need to know.”

Employers Don't Broadcast Your Results

It's common for people to assume that a positive test becomes part of some industry-wide database that all future employers can access. But that's not how it works.

Your test results belong to the company that ordered the test, and they're bound by privacy laws. They cannot share your results with other companies, post them publicly, or add them to employment verification databases.

“Employers are legally prohibited from sharing your drug test results with third parties without your written consent,” Montanino explains. “If another company calls for an employment reference, your previous employer cannot volunteer information about a failed drug test. They can typically only confirm dates of employment and job title.”

Future Employers Usually Cannot Access Past Test Data

Standard background checks don't include drug test results from previous jobs. Employment screening companies can verify work history, criminal records, and education, but cannot access medical records, including drug test results, without your explicit written authorization.

The exception is positions requiring specific clearances or certifications, where you may need to authorize the release of past testing records during the application process.

Safety-Sensitive Roles Have Additional Rules

Certain industries face stricter regulations. The Department of Transportation (DOT), for example, maintains a Drug and Alcohol Clearinghouse for commercial driver's license holders. If a truck driver fails a DOT-mandated drug test, that information goes into the Clearinghouse, and future employers in the trucking industry can access it with the driver's consent during hiring.

“Transportation, aviation, and some healthcare positions operate under different rules because public safety is directly at stake,” Montanino notes. “In these cases, there are specific procedures about who can access the information and when.”

Similar regulations apply to other safety-sensitive positions in nuclear power, pipeline operations, and certain federal contractors, though these represent a small fraction of the overall workforce.



What Employers Can't Do Legally

Montanino further explains the restrictions imposed on companies.

Share Results with Unrelated Third Parties

An employer cannot:

- call another company and tell them you failed a drug test
- share results with professional licensing boards unless required by law for specific regulated professions
- post the information online
- discuss it with people outside the company who don't have a business need to know

Violations of these privacy protections can result in serious legal consequences for employers, including lawsuits for invasion of privacy, defamation, or violations of federal medical privacy laws.

Use Drug Test Data Outside Company Policy or the Law

Employers must follow their own stated drug testing policies.

If a company policy says employees who test positive will be offered rehabilitation before termination, the employer must honor that policy. They cannot selectively enforce rules or use test results in ways that weren't disclosed in their written policy.

“Companies that don't follow their own procedures or use drug test information in discriminatory ways open themselves up to legal action,” Montanino says.

Rely on Drug Test Results in Background Checks Without Consent

Third-party background screening companies cannot include drug test results in their reports without your specific authorization to release medical records.

If an employer wants to use previous drug test information in hiring decisions, they must get your written permission, provide a copy of the report, and allow you to dispute inaccuracies before taking adverse action, all in compliance with the Fair Credit Reporting Act (FCRA).

Mona Montanino, President of 12 Panel Now, commented:

“Drug test results are treated like health data. They aren't performance reviews. Privacy laws and HR practices keep them confidential, restricting access to those with a legitimate need to know within the organization.”



“Employers share results only with specific internal personnel handling hiring or safety compliance. They need your explicit written permission to release information for purposes like a new job offer in a regulated industry. Legal protections prevent companies from broadcasting your medical information inappropriately.

“Understanding your rights around consent, company policies, and legal protections helps job seekers and employees navigate these situations with less anxiety and more confidence about their career prospects.”

About 12 Panel Now

[12 Panel Now](#) is a U.S.-based provider of fast, reliable, and affordable drug-testing supplies for workplaces, medical facilities, rehab centers, and individuals. A family-owned company with over eight years of experience, they offer CLIA-waived, FDA-approved products, including multi-panel urine test cups, dip cards, oral swabs, and single-panel tests, designed for accuracy, ease of use, and prompt, clear results.

Operating from a large warehouse in South Florida with high-volume manufacturing capacity, 12 Panel Now maintains strong stock levels and offers same-day shipping on most orders. Their mission is to make drug screening simple, cost-effective, and accessible, helping employers maintain safe, compliant environments while giving individuals a discreet, trustworthy option for at-home testing.