

### **BONUS DATA ON THIS EPISODE:**

A drug test is a search and this fact has been well established under the 4<sup>th</sup> Amendment.

There is a clear difference between a search of one's home and a drug test.

The collection of an individual's bodily fluids, specifically, but not limited to urine — an act that necessarily entails intrusion upon a highly personal and private bodily function — and the subsequent urinalysis can reveal a host of private medical facts about an individual. The intrusion here goes well beyond the initial passing of urine.

Positive drug tests are not kept confidential in the same manner as medical records and they are shared with third parties (e.g., insurance companies, State Welfare Departments), and kept in law enforcement databases, etc.