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Fact Sheet: SAMHSA 42 C.F.R. § 2 Revised Rules

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The 42 C.F.R. § 2 regulations (Part 2) serve to protect patient records created by federally assisted programs for the treatment of substance use disorders (SUD). Part 2 has been revised to further facilitate better coordination of care in response to the opioid epidemic while maintaining its confidentiality protections against unauthorized disclosure and use.

What Has Not Changed Under the New Part 2 Rule: The revised rule does not alter the basic framework for confidentiality protection of SUD patient records created by federally assisted SUD treatment programs. Part 2 continues to prohibit law enforcement's use of SUD patient records in criminal prosecutions against patients, absent a court order. Part 2 also continues to restrict the disclosure of SUD treatment records without patient consent, other than as statutorily authorized in the context of a bona fide medical emergency; or for the purpose of scientific research, audit, or program evaluation; or based on an appropriate court order.

What Has Changed Under the New Part 2 Rule: The revised rule modifies several major sections of Part 2, as follows:

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