

## Article - Transportation

[Previous][Next]

§6–102.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Cargo” does not include a vessel’s machinery or supplies, or the vessel’s equipment transported onto or off of the vessel.

(3) “Drug” means:

(i) A controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; and

(ii) A prescription drug as defined in § 21-201 of the Health - General Article, to the extent that the drug affects job performance and worker safety at a marine facility.

(4) “Employee” means any individual who is an employee, independent contractor, subcontractor, or other individual who provides labor for compensation at a marine facility for a person.

(5) “Marine facility” means a terminal or storage structure or facility used for the purpose of handling, storing, loading, or unloading freight in the Port of Baltimore.

(6) “Program” means an alcohol-free and drug-free workplace program for a marine facility that meets the requirements of this section.

(7) (i) “Safety-sensitive employee” means an employee who operates heavy machinery.

(ii) “Safety-sensitive employee” includes, but is not limited to:

1. An operator of a crane, winch, or top loader; and
2. A driver of a hustler or forklift.

(b) This section does not apply to:

(1) Employees, contractors, independent contractors, or agents of the Maryland Port Administration;

(2) Vessel employees, or employees of contractors or subcontractors that attend vessels, who do not load or unload cargo between a vessel and a pier, or from one stowage position to another on a vessel, at a marine facility; or

(3) Individuals or employees required by federal or State law to comply with 49 C.F.R. Parts 40 and 382 of the Federal Motor Carrier Safety Regulations.

(c) Persons that lease space at a marine facility from the Maryland Port Administration shall implement a program that:

(1) Prohibits the sale, purchase, transfer, use, or possession of alcohol or drugs at a port facility;

(2) Provides a plan that includes the nondiscriminatory administration of tests for the presence of alcohol or drugs in accordance with established testing procedures, including random, reasonable cause, post accident, and return-to-work, or post treatment testing of safety-sensitive employees, and pre-employment test for the presence of drugs, of employees;

(3) Provides for rehabilitation programs and disciplinary and sanction procedures for individuals who violate the Program;

(4) Provides sufficient notice to employees of testing procedures, consent, and other requirements of the Program;

(5) Provides adequate security measures for collection, chain of custody, and handling of test material; and

(6) Establishes procedures for the reporting, review, and appeal of test results.

(d) The Program shall generally comply with the guidelines for a drug-free workplace program established by the Maryland Center for Workplace Safety and Health.

(e) A member of a labor organization or other group of employees at a marine facility that is subject under a labor agreement or contract to an alcohol and drug program that generally conforms to the provisions of this section shall be deemed to be in compliance with the requirements, testing procedures, and other provisions of this section.

[Previous][Next]