
By: Delegate Fulton

Introduced and read first time: February 26, 1996

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 Job-Related Alcohol and Controlled Dangerous Substance Testing by Employers

3 FOR the purpose of authorizing an employer to conduct at the employer's premises,
4 pre-employment alcohol and controlled dangerous substance testing; providing that
5 at the person's request, the employer shall inform the person of who will test the
6 specimen, and if a laboratory is used, the name and address of the laboratory;
7 providing that an employer is not required to be licensed or obtain a letter of
8 exception to conduct alcohol and controlled dangerous substance testing; and
9 generally relating to job-related alcohol and controlled dangerous substance testing
10 by employers.

11 BY adding to

12 Article - Health - General
13 Section 17-205(d)
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1995 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Health - General
18 Section 17-214(a) and (b)
19 Annotated Code of Maryland
20 (1994 Replacement Volume and 1995 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Health - General**

24 17-205.

25 (D) AN EMPLOYER IS NOT REQUIRED TO BE LICENSED OR OBTAIN A LETTER
26 OF EXCEPTION FROM THE SECRETARY TO CONDUCT PRE-EMPLOYMENT ON-SITE
27 TESTING FOR ALCOHOL OR CONTROLLED DANGEROUS SUBSTANCES PURSUANT TO
28 § 17-214 OF THIS SUBTITLE.

29 17-214.

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

1 (1) "Alcohol or controlled dangerous substance testing" means a procedure
2 used to determine whether or not a specimen contains a controlled dangerous substance
3 or alcohol.

4 (2) "Certification" means the approval granted by the Department for a
5 laboratory to engage in job-related alcohol or controlled dangerous substance testing.

6 (3) "Controlled dangerous substance" has the meaning stated in Article 27,
7 § 277 of the Code.

8 (4) "Job-related" means any alcohol or controlled dangerous substance
9 testing used by an employer for a legitimate business purpose.

10 (5) "Laboratory" means a facility or other entity that conducts job-related
11 alcohol or controlled dangerous substance testing.

12 (6) "ON-SITE TEST" MEANS A TEST THAT IS CONDUCTED AT AN
13 EMPLOYER'S PREMISES BY THE EMPLOYER FOR PRE-EMPLOYMENT ALCOHOL OR
14 CONTROLLED DANGEROUS SUBSTANCE TESTING.

15 (b) (1) An employer who requires any person to be tested for job-related
16 reasons for the use or abuse of any controlled dangerous substance or alcohol shall:

17 [(1)] (I) Have the specimen tested by a laboratory that:

18 [(i)] 1. Holds a permit under this subtitle; [or

19 [(ii)] 2. Is located outside of the State and is certified or otherwise
20 approved under subsection (e) of this section; [and] OR

21 (II) HAVE THE OPTION OF TESTING THE SPECIMEN BY AN ON-SITE
22 TEST, PROVIDED THAT:

23 1. THE DEVICE TO CONDUCT THE TEST COMPLIES WITH ALL
24 LAWS AND REGULATIONS PROMULGATED BY THE UNITED STATES FOOD AND DRUG
25 ADMINISTRATION AND ANY APPLICABLE STANDARDS REGARDING CUTOFF LEVELS
26 FOR POSITIVE TESTING THAT ARE ESTABLISHED BY THE UNITED STATES
27 DEPARTMENT OF HEALTH AND HUMAN SERVICES AS MANDATORY GUIDELINES FOR
28 FEDERAL WORKPLACE DRUG TESTING; AND

29 2. ALL TEST SPECIMENS THAT TEST POSITIVE ARE
30 CONFIRMED BY A LABORATORY.

31 (2) At the time of testing, at the person's request, THE EMPLOYER SHALL
32 inform the person of WHO WILL TEST THE SPECIMEN, AND IF A LABORATORY IS USED,
33 the name and address of the laboratory that will test the specimen OR CONFIRM A
34 POSITIVE ON-SITE TEST.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.