

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 411  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Owings" and substitute "Delegates Owings, Weir, Ciliberti, Redmer, and Stup"; strike beginning with "clarifying" in line 3 down through "samples;" in line 4 and substitute "authorizing the use of certain hair specimen testing only for pre-employment drug testing; requiring employers that use hair specimens for pre-employment drug testing to adhere to certain standards; prohibiting employers that use hair specimens for pre-employment drug testing from using the specimens to determine certain information;"; and in line 10, after "17-214(a)," insert "(b).".

AMENDMENT NO. 2

On page 2, strike beginning with "BLOOD" in line 1 down through "BODY" in line 2 and substitute ":

(I) BLOOD DERIVED FROM THE HUMAN BODY;

(II) URINE DERIVED FROM THE HUMAN BODY; OR

(III) HAIR DERIVED FROM THE HUMAN BODY AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION.

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

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

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

(Over)

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

[(2)] (II) At the time of testing, at the person's request, inform the person of the name and address of the laboratory that will test the specimen.

(2) (I) AN EMPLOYER WHO REQUIRES ANY PERSON TO BE TESTED FOR JOB-RELATED REASONS FOR THE USE OR ABUSE OF ANY CONTROLLED DANGEROUS SUBSTANCE MAY USE HAIR DERIVED FROM THE HUMAN BODY AS A SPECIMEN IN ACCORDANCE WITH THIS PARAGRAPH.

(II) AN EMPLOYER MAY USE HAIR DERIVED FROM THE HUMAN BODY AS A SPECIMEN ONLY FOR PRE-EMPLOYMENT PURPOSES.

(III) IF AN EMPLOYER USES HAIR DERIVED FROM THE HUMAN BODY AS A SPECIMEN, THE EMPLOYER MAY NOT:

A. USE A SPECIMEN THAT IS LONGER THAN ONE AND ONE-HALF INCHES MEASURED FROM THE HUMAN BODY; OR

B. USE THE SPECIMEN TO DETERMINE WHETHER AN INDIVIDUAL HAS A PHYSICAL HANDICAP OR ILLNESS.

(IV) IF AN EMPLOYER USES HAIR DERIVED FROM THE HUMAN BODY AS A SPECIMEN FOR JOB-RELATED CONTROLLED DANGEROUS SUBSTANCE TESTING, THE EMPLOYER SHALL ADMINISTER THE TEST TO ALL CANDIDATES FOR EMPLOYMENT.”;

and in line 36, after “publish” insert “proposed”.