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HB 1583/94 - ENV

1997 Regular Session
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By: Senators Astle, Hafer, and Teitelbaum
Introduced and read first time: January 30, 1997
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Job-Related Drug Testing**

3 FOR the purpose of clarifying that job-related drug testing is not limited to testing of
4 urine or blood samples; clarifying that independent testing applies to all types of
5 job-related drug testing; clarifying that certain laboratory standards be in
6 accordance with regulations for similar laboratory certification; defining a term; and
7 generally relating to job-related drug testing.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 17-214(a), (d), and (e)
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1996 Supplement)

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

15 **Article - Health - General**

16 17-214.

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

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

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

23 (3) "Controlled dangerous substance" has the meaning stated in Article 27,
24 § 277 of the Code.

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

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

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1 (6) "SPECIMEN" MEANS BLOOD, URINE, OR HAIR DERIVED FROM THE
2 HUMAN BODY.

3 (d) (1) A person who is required to submit to job-related testing, under
4 subsection (b) of this section, may request independent testing of the same [urine or
5 blood sample] SPECIMEN for verification of the test results by a laboratory that:

6 (i) Holds a permit under this subtitle; or

7 (ii) If located outside of the State, is certified or otherwise approved
8 under subsection (e) of this section.

9 (2) The person shall pay the cost of an independent test conducted under
10 this subsection.

11 (e) (1) The Department of Health and Mental Hygiene shall adopt regulations
12 governing the certification of laboratories that conduct job-related alcohol or controlled
13 dangerous substance testing.

14 (2) In addition to any other laboratory standards, the regulations shall:

15 (i) Require that the laboratory comply with the guidelines for
16 laboratory accreditation, IF ANY, as set forth by the College of American Pathologists, the
17 U. S. Health Care Financing Administration (HCFA), or any other [federal] government
18 agency or program designated to certify or approve a laboratory that is acceptable to the
19 Secretary;

20 (ii) Require that a laboratory performing confirmation tests, FOR
21 CONTROLLED DANGEROUS SUBSTANCES OR ALCOHOL be inspected and accredited in
22 forensic [urine] drug analysis by the College of American Pathologists, the U. S. Health
23 Care Financing Administration (HCFA), or any other [federal] government agency or
24 program designated to inspect and accredit a laboratory that is acceptable to the
25 Secretary;

26 (iii) Require that, IF the laboratory PERFORMS JOB RELATED DRUG
27 TESTING, THE LABORATORY be a participant in a program of proficiency testing of
28 [urinary] drug screening conducted by an organization acceptable to the Secretary;

29 (iv) Require that the laboratory comply with [any federal] standards
30 regarding cutoff levels for positive testing that are established by the United States
31 Department of Health and Human Services OR ESTABLISHED BY THE SECRETARY as
32 mandatory guidelines for [federal] workplace drug testing programs; and

33 (v) Include procedures for annual recertification and inspection.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Department in
35 consultation with representatives from the business community and from laboratories that
36 perform job related drug testing with hair specimens publish regulations for the
37 certification of laboratories that perform job related drug testing with hair specimens by
38 October 1, 1997.

39 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
40 July 1, 1997.

