

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1443 (Delegate Fulton)
Environmental Matters

Job-Related Alcohol and Controlled Dangerous Substance Testing - Preliminary Screenings

This bill authorizes employers who require testing of employees for controlled dangerous substances to use a “reliable preliminary screening procedure”, specifies handling procedures to be used, and exempts an employer from medical laboratory licensing requirements. An employer who uses preliminary screening procedures must establish a program to train and certify preliminary screening procedures operators. If the preliminary screening results in a positive test result, the employer must have the specimen tested by a licensed or otherwise approved laboratory to confirm the positive test result. The bill permits, rather than requires, an employer who tests employees for controlled dangerous substances to have both initial and confirmatory testing performed by a licensed laboratory.

Fiscal Summary

State Effect: None, as discussed below.

Local Effect: Local expenditures for employee drug testing could decrease as discussed below. Revenues would not be affected.

Small Business Effect: Potential meaningful effect on small businesses as discussed below.

Fiscal Analysis

Background: All State employees in sensitive positions are subject to random drug testing. A combined \$161,000 is spent each year by the Department of Budget and Management, the Department of Transportation, the Department of State Police, and the University of Maryland System in testing some 6,200 sensitive employees. Each State agency that conducts drug testing has different procedures, i.e., the Department of Budget and Management

contracts with a laboratory for testing services, while the Department of State Police uses the State Police laboratory. For illustrative purposes, the cost of a test done by the Department of Budget and Management is around \$30 and a confirmatory test for positive results costs another \$20.

State Expenditures: The bill would permit the State to conduct preliminary screening procedures on-site. Assuming that the State elects to conduct preliminary screening procedures, the bill would not have an effect on expenditures because the State currently receives a volume discount as part of its laboratory contracts. However, some agencies have expressed concern about the accuracy and reliability of tests not conducted within a controlled environment that may not meet federal specimen collection standards.

Local Expenditures: Local expenditures could decrease to the extent that preliminary screening procedures would be less expensive than laboratory testing and that local jurisdictions substitute preliminary screening procedures for laboratory tests. Any savings would be partially offset, however, by the cost of training operators to conduct preliminary screening procedures.

Small Business Effect: Small business expenditures could decrease to the extent that preliminary screening procedures would be less expensive than laboratory testing and that a small business substitutes preliminary screening procedures for laboratory tests. Any savings would be partially offset, however, by the cost of training operators to conduct preliminary screening procedures.

Information Source(s): Department of Health and Mental Hygiene (Licensing and Certification Administration, Laboratories Administration, Alcohol and Drug Abuse Administration); Department of Budget and Management; Department of Fiscal Services

Fiscal Note History: First Reader - March 17, 1997
brd

Analysis by: Sue Friedlander
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710