

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 134 (Senator Astle)

Finance

**Controlled Dangerous Substance Testing for Job Applicants -
Preliminary Screenings**

This bill authorizes employers who test job applicants for controlled dangerous substances to use a “preliminary screening procedure”, specifies handling procedures to be used, and exempts an employer from medical laboratory licensing requirements. If the preliminary screening results in a positive test, an employer who requires job-related testing must have the specimen tested by a licensed or otherwise approved laboratory to confirm the positive test result. An employer who uses preliminary screening procedures must: (1) establish a program to train and certify preliminary screening procedures operators; (2) register with the Department of Health and Mental Hygiene (DHMH) ; and (3) have a “medical review officer” review results which test positive after laboratory confirmation.

Fiscal Summary

State Effect: None. The bill is not expected to substantively change State activities or operations.

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

Small Business Effect: Potential meaningful effect on small businesses.

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 State currently receives a volume discount as part of its laboratory contracts. Therefore, although the bill would permit the State to conduct preliminary screening procedures, the State is unlikely to change its current procedures given its volume discount advantage.

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 and having a medical review officer review positive test results.

Information Source(s): Department of Health and Mental Hygiene (Laboratories Administration), Department of Budget and Management, Department of Legislative Services

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