
By: **Senator Ferguson**

Introduced and read first time: February 21, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Commissioner of Labor and Industry - Accidents - Mandatory Drug Tests**

3 FOR the purpose of requiring the Commissioner of Labor and Industry to administer,
4 or provide for the administration of, a mandatory drug test at a certain location
5 to certain employees as soon as practicable after certain accidents; and
6 generally relating to the administration of mandatory drug tests to certain
7 employees after certain accidents.

8 BY repealing and reenacting, without amendments,
9 Article - Labor and Employment
10 Section 5-101(a), (b), (c), and (g)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 5-205(d)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

20 **Article - Labor and Employment**

21 5-101.

22 (a) In this title the following words have the meanings indicated.

23 (b) "Commissioner" means the Commissioner of Labor and Industry.

24 (c) (1) "Employee" means, except as provided in § 5-401 of this title, an
25 individual whom an employer employs, for a wage or other compensation, in the
26 business of the employer.

1 (2) "Employee" includes:

2 (i) an individual whom a governmental unit employs;

3 (ii) an individual who is licensed as a taxicab driver and leases or
4 rents a taxicab from a person who operates or owns a taxicab business in Baltimore
5 City;

6 (iii) an individual who is employed for part-time or temporary help
7 by a governmental unit or person who engages in a business that directly employs
8 individuals to provide part-time or temporary help to another governmental unit or
9 person; and

10 (iv) an individual who performs work for a governmental unit or
11 person to whom the individual is provided by another governmental unit or person
12 who engages in a business that directly employs individuals to provide part-time or
13 temporary help.

14 (g) "Place of employment" means a place in or about which an employee is
15 allowed to work.

16 5-205.

17 (d) The Commissioner shall:

18 (1) AT THE PLACE OF EMPLOYMENT ADMINISTER, OR PROVIDE FOR THE
19 ADMINISTRATION OF, A MANDATORY DRUG TEST TO EACH EMPLOYEE INVOLVED IN
20 AN INDUSTRIAL OR OCCUPATIONAL ACCIDENT AS SOON AS PRACTICABLE AFTER THE
21 ACCIDENT;

22 (2) provide for establishment and supervision of programs for the
23 education and training of employers and employees in the recognition, avoidance and
24 prevention of unsafe or unhealthful working conditions in employment covered by
25 this title; and

26 [(2)] (3) consult with and advise employers and employees, and
27 organizations representing employers and employees about effective means to
28 prevent occupational injuries and illnesses.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2001.