

# HOUSE RESEARCH

## Bill Summary

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### Section

- 1 **Drug and alcohol testing.** Removes a reference in the definition of "drug and alcohol testing" that limits that definition to tests that comply with substantive requirements elsewhere in the statute. These substantive requirements will still apply.
- 2 **Initial screening test.** Broadens the definition of an initial screening test to include on-site testing.
- 3 **On-site test.** Defines an "on-site test" as a test that can be conducted at an employer's worksite or elsewhere, and does not require the involvement of a testing lab, and that complies with federal standards.
- 4 **Limitations on testing.** Provides that initial screening tests can be carried out through on-site tests, in addition to by certified labs.
- 5 **Use of licensed, accredited, or certified laboratory required.** Provides that an employer is not required to use a lab to perform an on-site test.
- 6 **Laboratory testing, reporting, and sample retention requirements.** Provides that a lab performing the confirmatory test of an initial on-site test is not required to automatically retest the sample if the confirmatory test is positive.
- 7 **Prohibitions on employers.** Clarifies that the prohibition on employers using their own labs or clinics does not apply to employers conducting on-site tests. Employers would still be required to use labs they do not own to conduct all confirmatory tests and retests.
- 8 **Employer chain-of-custody procedures.** Requires that employers who are conducting on-site tests establish procedures to track the chain of custody of the sample from when the sample is conducted to when it is sent to the lab or, if negative, discarded by the employer.
- 9 **Notice of test results.** Requires that no later than the first business day after a test is completed, the employer or other person conducting the test must inform the employee of the result of the test and, if the test was positive, inform the employee that the test is being sent to a lab for a confirmatory test.

- 10 **On-site testing.** Lays out the basic requirements for on-site testing by employers.
- Subd. 1. Scope.** Requires that all on-site tests be administered in compliance with this section.
- Subd. 2. Person administering test.** Requires that an on-site test be administered by a person who has received training as required by the manufacturer of the testing product, and has been trained by the employer regarding the employer's drug testing policy.
- Subd. 3. Test to be conducted according to manufacturer's instructions.** Requires that the instructions and recommendations of the manufacturer of a testing product must be followed by the employer or other person administering the test.
- Subd. 4. Recording results.** Requires that the person administering the test must immediately document the results of an on-site test if a record is not created by the test itself. This documentation must describe what the person observed that led them to conclude that the test was positive or negative. Any permanent record created by the employer must be retained for three years.
- Subd. 5. Handling of sample.** Requires chain-of-custody procedures to be in place for all on-site testing. Requires that a sample that tests negative must be promptly discarded by the employer. Requires that a sample that tests positive must be delivered to a lab for a confirmatory test in compliance with the other portions of the drug testing statute.
- 11 **Privacy limitations.** Provides that the employer may not use the sample or results for any purpose other than to determine the presence or absence of alcohol or drugs. Other information collected during the testing process may not be used against an employee by an employer.