

Subject Preemployment Oral Fluid Drug Testing

Authors Moller

Analyst Marta James

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Overview

This bill establishes oral fluid drug testing as a preemployment alternative for drug, alcohol, and cannabis testing by employers.

Summary

Section	Description
1	<p>Oral fluid test.</p> <p>Adds a definition of “oral fluid test” to the Drug and Alcohol Testing in the Workplace statute. An “oral fluid test” is a test that uses a saliva sample to measure the presence of drugs, alcohol, cannabis, or their metabolites at the same or better levels as the existing lab programs under section 181.953, subdivision 1.</p>
2	<p>Limitations on testing.</p> <p>Expands current limitations on drug and alcohol testing to add an oral fluid test as another valid means for an employer to test a job applicant for drugs or alcohol, pursuant to a written drug and alcohol testing policy, and as an alternative to the existing lab program testing currently required under the law.</p>
3	<p>Use of licensed, accredited, or certified laboratory required.</p> <p>Clarifies that use of a licensed, accredited, or certified lab is not required if an employer follows the procedures for an oral fluid test under subdivision 5a.</p>
4	<p>Laboratory testing, reporting, and sample retention requirements.</p> <p>Provides that laboratory testing, reporting, and sample retention requirements, and chain-of-custody requirements under section 181.953, subdivision 5, do not apply to oral fluid testing.</p>
5	<p>Oral fluid testing.</p> <p>Adds procedure for oral fluid testing as an alternative means for an employer to test a job applicant for drugs, alcohol, cannabis, or their metabolites. Under this procedure, a job applicant is required to submit to testing under the existing</p>

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	laboratory procedure within 48 hours of a positive, inconclusive, or invalid oral fluid test. Existing reliability and safeguard provisions on rights, notice, retest procedures, and job offer withdrawals also apply to oral fluid testing.
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