
A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 329B-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "substance abuse on-site
3 screening test" to read as follows:

4 "Substance abuse on-site screening test" means a portable
5 substance abuse test that ~~meets~~:

6 (1) Meets the requirements of the United States Food and
7 Drug Administration for commercial distribution; or

8 (2) Is manufactured in a facility licensed by the United
9 States Food and Drug Administration, and may be used
10 for forensic testing as a workplace testing device;

11 and is approved by the director [~~for such pre-employment~~
12 ~~screening~~]."

13 SECTION 2. Section 329B-5.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~+~~§329B-5.5~~+~~ **Substance abuse on-site screening tests,**
16 **testing procedures, and confidentiality.** The substance abuse
17 on-site screening test shall be administered for pre-employment



1 purposes only according to the instructions of the manufacturer
2 and this section:

3 (1) Every employer using a substance abuse on-site
4 screening test for pre-employment screening shall
5 administer the test according to the United States
6 Food and Drug Administration package insert that
7 accompanies the substance abuse test~~[7]~~; provided that
8 if there is no United States Food and Drug
9 Administration package insert, then according to the
10 package insert that accompanies the substance abuse
11 test that is manufactured in a facility licensed by
12 the United States Food and Drug Administration; pro
13 vided further that manufacturers may apply to the
14 department for interim approval while pursuing Food
15 and Drug Administration approval and shall adhere to
16 any applicable on-site screening drug test guidelines
17 adopted by the United States Food and Drug
18 Administration. Any on-site screening test shall also
19 be approved by the director [~~for such pre-employment~~
20 ~~screening~~];

21 (2) Every employer using a substance abuse on-site
22 screening test for pre-employment screening shall



1 adhere to the rules adopted pursuant to section 329B-8
2 pertaining to specimen collection, urine specimen,
3 shipping of specimens, chain of custody, and
4 confidentiality that may be applicable to on-site drug
5 testing; provided that employers are authorized to
6 drug test applicants and unions are authorized to drug
7 test members;

8 (3) If a substance abuse on-site screening test obtains a
9 test result that indicates the presence of drugs,
10 alcohol, or the metabolites of drugs; and if the test
11 result may be used to deny or deprive a person of
12 employment or any benefit, or may otherwise result in
13 an adverse action being taken against the person, then
14 the same sample that produced the test result shall be
15 submitted for a confirmatory test to a testing
16 laboratory licensed or approved by the department in
17 accordance with this chapter. A positive confirmatory
18 test shall be reviewed by a medical review officer
19 licensed by the department in accordance with this
20 chapter; and

21 (4) The operator who administers the substance abuse on-
22 site screening test shall have been trained in the use



1 and administering of the on-site screening test by the
2 manufacturer of the on-site screening test or the
3 manufacturer's designee."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2007.



REPORT Title:

Substance Abuse Testing

Description:

Amends definition of "substance abuse on-site screening test" to include tests used for forensic testing as a workplace testing device. Requires that substance abuse testing be conducted according to the manufacturer's package insert, as an alternative to the Food and Drug Administration insert if there is no FDA insert. (SD2)

