
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 the requirements of the United
6 States Food and Drug Administration for commercial distribution
7 or one that may be used for forensic testing as a workplace
8 testing device and is approved by the director for [~~such~~] the
9 pre-employment screening."

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

12 "**[+]§329B-5.5[+]** **Substance abuse on-site screening tests,**
13 **testing procedures, and confidentiality.** The substance abuse
14 on-site screening test shall be administered for pre-employment
15 purposes only according to the instructions of the manufacturer
16 and this section:

17 (1) Every employer using a substance abuse on-site
18 screening test for pre-employment screening shall



1 administer the test according to the [~~United States~~
2 ~~Food and Drug Administration~~] manufacturer's package
3 insert that accompanies the substance abuse test, and
4 shall adhere to any applicable on-site screening drug
5 test guidelines [~~adopted by the United States Food and~~
6 ~~Drug Administration~~]. Any on-site screening test
7 shall also be approved by the director for [~~such~~] the
8 pre-employment screening;

9 (2) Every employer using a substance abuse on-site
10 screening test for pre-employment screening shall
11 adhere to the rules adopted pursuant to section 329B-8
12 pertaining to specimen collection, urine specimen,
13 shipping of specimens, chain of custody, and
14 confidentiality that may be applicable to on-site drug
15 testing;

16 (3) If a substance abuse on-site screening test obtains a
17 test result that indicates the presence of drugs,
18 alcohol, or the metabolites of drugs; and if the test
19 result may be used to deny or deprive a person of
20 employment or any benefit, or may otherwise result in
21 an adverse action being taken against the person, then
22 the same sample that produced the test result shall be



1 submitted for a confirmatory test to a testing
 2 laboratory licensed or approved by the department in
 3 accordance with this chapter. A positive confirmatory
 4 test shall be reviewed by a medical review officer
 5 licensed by the department in accordance with this
 6 chapter; and

7 (4) The operator who administers the substance abuse on-
 8 site screening test shall have been trained in the use
 9 and administering of the on-site screening test by the
 10 manufacturer of the on-site screening test or the
 11 manufacturer's designee."

12 SECTION 3. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Substance Abuse Testing

Description:

Requires that substance abuse testing be conducted according to the manufacturer's rather than the federal government's package insert. Amends definition of "substance abuse on-site screening test" to include tests used for forensic testing as a workplace testing device.

