JAN 2 4 2007

## A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE.

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

- SECTION 1. Section 329B-2, Hawaii Revised Statutes, is 1 amended by amending the definition of "substance abuse on-site 2 screening test" to read as follows: 3 ""Substance abuse on-site screening test" means a portable 4 substance abuse test that meets the requirements of the United 5 States Food and Drug Administration for commercial distribution 6 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." Section 329B-5.5, Hawaii Revised Statutes, is 10 amended to read as follows: 11 12 "[{]\$329B-5.5[{}] Substance abuse on-site screening tests, 13 testing procedures, and confidentiality. The substance abuse on-site screening test shall be administered for pre-employment 14 15 purposes only according to the instructions of the manufacturer and this section: 16
- 17 (1) Every employer using a substance abuse on-site

  18 screening test for pre-employment screening shall

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

- (2) Every employer using a substance abuse on-site screening test for pre-employment screening shall adhere to the rules adopted pursuant to section 329B-8 pertaining to specimen collection, urine specimen, shipping of specimens, chain of custody, and confidentiality that may be applicable to on-site drug testing;
- (3) If a substance abuse on-site screening test obtains a test result that indicates the presence of drugs, alcohol, or the metabolites of drugs; and if the test result may be used to deny or deprive a person of employment or any benefit, or may otherwise result in an adverse action being taken against the person, then 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	SECTI	ON 3. Statutory material to be repealed is bracketed
13	and strick	en. New statutory material is underscored.
14	SECTI	ON 4. This Act shall take effect upon its approval.
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		INTRODUCED BY:
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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.