

ACT 201

S.B. NO. 2896

A Bill for an Act Relating to Substance Abuse Tests.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§ - **Substance abuse testing of inmates.** (a) When an inmate under the custody of the department of public safety is subjected to substance abuse testing, the inmate shall be afforded the option of a confirmatory test by a licensed, certified laboratory as provided in chapter 329B. The cost of a confirmatory test shall be paid for by the State; provided that in those instances where a positive test result is confirmed, the inmate shall be charged with the cost of the confirmatory test.

(b) All specimens shall be sealed and coded in the presence of the inmate and the inmate shall sign an approved form acknowledging that the specimen has been sealed and coded in the inmate’s presence. The director of the department of public safety shall establish a chain-of-custody procedure that includes a tracking form documenting the handling and storage of the specimen from collection to final disposition of the specimen.

(c) Positive test results of substance abuse testing and the availability of a confirmatory test shall be provided to the inmate in writing.

(d) A positive test result from a substance abuse test that fails to meet the requirements of this section shall not be reported or recorded.”

SECTION 2. Section 329B-2, Hawaii Revised Statutes, is amended by amending the definition of “substance abuse test” to read as follows:

“Substance abuse test” means any testing procedure, excluding toxicology tests used in the direct clinical management of [patients and] patients, tests for alcohol related to chapters 286 and 291, and substance abuse testing of individuals under the custody and care of the department of public safety designed to take and analyze body fluids or materials from the body for the purpose of measuring the amount of drugs, alcohol, or the metabolites of drugs in the sample tested.”

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SECTION 3. The department of public safety shall submit a report on the implementation of this Act to the legislature at least twenty days prior to the convening of the 1993 regular session.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 12, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.