

**ACT 53**

H.B. NO. 699

A Bill for an Act Relating to Substance Abuse Testing.

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

SECTION 1. Section 329B-5, Hawaii Revised Statutes, is amended to read as follows:

**“§329B-5 Substance abuse testing procedures and interpretation of test results.** (a) Prior to the collection of any sample for substance abuse testing, the

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individual to be tested shall receive a written statement of the specific substances to be tested for and a statement that over-the-counter medications or prescribed drugs may result in a positive test result. [The individual, prior to the collection of any sample for substance abuse testing, shall receive a medication disclosure form, approved by the director, to permit the individual to disclose any over-the-counter medication or prescribed drug that the individual has taken within the previous thirty days.]

(b) In accordance with this section, the director shall adopt rules pertaining to:

- (1) The qualifications, responsibilities, and licensing of the medical review officer;
- [(2) The use of medication disclosure forms;
- (3)] (2) The method of transmittal of laboratory test results and any interpretations of test results to the third party and the tested individual; and
- [(4)] (3) The obtaining, disclosure, and confidentiality of substance abuse testing information.

(c) No laboratory, including a substance abuse on-site screening location, may test for any substance not included on the written statement containing the specific substances to be tested for.

(d) As used in this section, “test results” means laboratory test results or the results of substance abuse on-site screening tests.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 26, 2001.)