

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1045

By: Lawson

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to labor; creating rules for
10 preliminary drug testing results; creating rules for
11 conclusive drug testing results; providing for
12 codification; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 559.1 of Title 40, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A drug screen testing facility shall report preliminary
18 positive test results to an employer's review officer as soon as the
19 results for the preliminary test become available or the next
20 working day. The final conclusion of the testing (the results of
21 initial tests, confirmatory tests, or quality control data), shall
22 be reviewed and the test certified as an accurate report by the
23 responsible individual. The report shall identify the drugs and
24 metabolites tested for, whether positive or negative, and the cutoff

1 for each, the specimen number assigned by the employer, and the drug
2 screen testing facility specimen identification number.

3 B. The drug screen testing facility shall report as negative
4 all specimens which are negative on the initial test or negative on
5 the confirmatory test. Only specimens confirmed positive shall be
6 reported as positive for a specific drug.

7 C. The review officer may request from the drug screen testing
8 facility, and the drug screen testing facility shall provide,
9 quantitation of test results. The review officer shall not disclose
10 quantitation of test results to the employer but shall report only
11 whether the test was positive or negative.

12 D. The drug screen testing facility may transmit results to the
13 review officer by electronic means, including, teleprinters,
14 facsimile, or computer, in a manner designed to ensure
15 confidentiality of the information. Results shall not be provided
16 verbally by telephone. The drug screen testing facility shall
17 ensure the security of the data transmission and limit access to any
18 data transmission, storage, and retrieval system.

19 E. The drug screen testing facility shall send to the review
20 officer the positive drug test results, which shall be signed by the
21 individual responsible for the day-to-day management of the drug
22 screen testing facility or the individual responsible for attesting
23 to the validity of the test reports.

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1 F. All results reported to the employer shall be by the same
2 source.

3 SECTION 2. This act shall become effective November 1, 2023.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
6 03/06/2023 - DO PASS, As Amended.
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