

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2237

By: Ford

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6 AS INTRODUCED

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

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

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

15 A. The drug screen testing facility shall report preliminary
16 positive test results to the employer's review officer as soon as
17 the results for the preliminary test becomes available or the next
18 working day. The final conclusion of the test shall be reported
19 within an average of five (5) working days after receipt of the
20 specimen by the drug screen testing facility. The final conclusion
21 of the testing, including, but not limited to, the results of
22 initial tests, confirmatory tests, or quality control data, shall be
23 reviewed and the test certified as an accurate report by the
24 responsible individual. The report shall identify the drugs or

1 metabolites tested for, whether positive or negative, and the cutoff
2 for each, the specimen number assigned by the employer, and the drug
3 screen testing facility specimen identification number.

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

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

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

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

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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