

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1045

By: Lawson of the House

and

Gollihare of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to labor; creating rules for single-  
11 use test results; creating rules for conclusive drug  
12 testing results; providing for codification; and  
13 providing an effective date.

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

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

18 A. A testing facility shall report single-use test results that  
19 meet the standard to be sent to the laboratory for confirmation  
20 testing to an employer's review officer, or a designee of the  
21 employer's review officer, as soon as the results for the single-use  
22 test become available or the next working day. The final conclusion  
23 of the testing, which shall include the results of the single-use  
24 tests, confirmatory tests, or quality control data, shall be

1 reviewed and the test certified as an accurate report by the  
2 responsible individual. The report shall identify the drugs and  
3 metabolites tested for, whether positive or negative, and the cutoff  
4 for each, the specimen number assigned by the employer, and the  
5 testing facility specimen identification number.

6 B. The drug screen testing facility shall report as negative  
7 all specimens which are negative on the single-use test or negative  
8 on the confirmatory test. Only specimens confirmed positive shall  
9 be reported as positive for a specific drug.

10 C. The review officer may request from the certified  
11 laboratory, and the certified laboratory shall provide, quantitation  
12 of test results. The review officer shall not disclose quantitation  
13 of test results to the employer but shall report only whether the  
14 test was positive or negative.

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

22 E. The certified laboratory shall send to the review officer  
23 the positive drug test results, which shall be signed by the  
24 individual responsible for the day-to-day management of the

1 certified laboratory or the individual responsible for attesting to  
2 the validity of the test reports.

3 SECTION 2. This act shall become effective November 1, 2023.

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