

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1045

By: Lawson of the House

and

6 Gollihare of the Senate

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8
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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