

1 ENGROSSED HOUSE  
2 BILL NO. 1045

By: Lawson of the House

3 and

4 Gollihare of the Senate

5  
6 An Act relating to labor; creating rules for  
7 preliminary drug testing results; creating rules for  
8 conclusive drug testing results; providing for  
9 codification; and providing an effective date.

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

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

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

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

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

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

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

22 F. All results reported to the employer shall be by the same  
23 source.

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

1 Passed the House of Representatives the 9th day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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9 Presiding Officer of the Senate