

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1045

By: Lawson

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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.

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

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

16 A. A drug screen testing facility shall report preliminary
17 positive test results to an employer's review officer as soon as the
18 results for the preliminary test become available or the next
19 working day. The final conclusion of the test shall be reported
20 within an average of five (5) working days after receipt of the
21 specimen by the drug screen testing facility. The final conclusion
22 of the testing (the results of initial tests, confirmatory tests, or
23 quality control data), shall be reviewed and the test certified as
24 an accurate report by the responsible individual. The report shall

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

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

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

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

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

1 screen testing facility or the individual responsible for attesting
2 to the validity of the test reports.

3 F. All results reported to the employer shall be by the same
4 source.

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

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7 59-1-5443 TJ 12/12/22

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