

1 **SENATE FLOOR VERSION**

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

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

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

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

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

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

9 C. The review officer may request from the certified
10 laboratory, and the certified laboratory shall provide, quantitation
11 of test results. The review officer shall not disclose quantitation
12 of test results to the employer but shall report only whether the
13 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 certified laboratory shall send to the review officer
22 the positive drug test results, which shall be signed by the
23 individual responsible for the day-to-day management of the
24

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.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
5 April 10, 2023 - DO PASS AS AMENDED BY CS

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