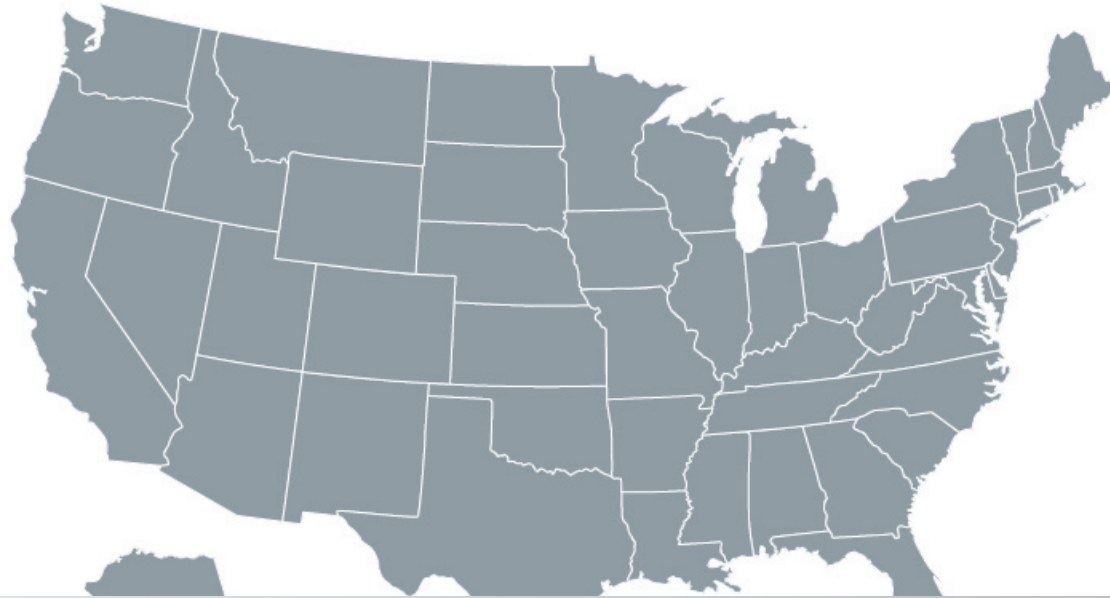




Toxicology



Drug Testing

State by State Legal Status

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The following guide summarizes which states have statutory requirements or restrictions on point of collection specimens in their mandatory and voluntary drug testing laws. *Please note the following 33 states and Puerto Rico: AL, AK, AZ, AR, CA, CO, CT, FL, GA, HI, ID, IA, KS, LA, ME, MD, MN, MS, MT, NE, NV, NY, NC, ND, OH, OK, OR, RI, TN, UT, VT, VA, and WI.*

There are 44 states and D.C. that permit urine or oral fluids (rapid/instant) testing. 6 states do not permit point- o-f collection urine or oral fluid testing. These states are: 1. California, 2. Kansas, 3. Maine, 4. Minnesota, 5. New York and 6. Vermont do not permit poct urine or oral fluids. Puerto Rico also prohibits.

In some states FDA clearance/approval requirements must also be considered as per the following chart's notations.

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Alabama

State Law

Voluntary Law

Statute

AL Code 25-5-330 to 340 and 480-5-6-01 to .04

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|--|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR lab must be HHS or CAP Certified |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|--|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR lab must be HHS or CAP Certified |

Alaska

State Law

Voluntary Law

Statute

AK Stat. §§ 23.10.600 to .699

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---------------------------------------|
| Permitted | If using DFWP, must use SAMHSA cutoffs & there are special requirements for POC | Permitted | If Using DFWP must use SAMHSA cutoffs |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|---------------------------------------|
| Permitted | Not allowed for voluntary WCPR | Restricted | Not permitted under the voluntary law |

Arizona

State Law

Voluntary law

Statute

AC Rev. Stat. Ann. §§ 23-493 to 493.11

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Not allowed for employers testing under private sector workplace drug & alcohol impairment act | Permitted | If using private sector workplace drug testing & alcohol impairment act must HHS, CAP or AZ certified lab |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Not allowed for employers testing under private sector workplace drug & alcohol impairment act | Permitted | If using private sector workplace drug testing & alcohol impairment act must HHS, CAP or AZ certified lab |

Arkansas

State Law

Voluntary law

Statute

AR Code Ann. §§ 11-14-101 to 112

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|---|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR lab must be HHS, CAP, or AR Certified and collected in accordance with DOT procedures |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|---|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR lab must be HHS, CAP, or AR Certified and collected in accordance with DOT procedures |

California

State Law

Yes (In SF)

Statute

San Fransisco, CA - Police Code Art. 33A

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|-----------|
| Restricted | May be restricted by state's lab licensing law | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Restricted | May be restricted by state's lab licensing law - SF only mentions urine and blood | Permitted | May be restricted by state's lab licensing law - SF Only mentions urine and blood |

Colorado

State Law

Yes (In Boulder)

Statute

Boulder, CO - Human Rights Code §§ 12-3-1 to 6

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | In Boulder positive results must be confirmed | Permitted | In Boulder positive results must be confirmed |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | In Boulder positive results must be confirmed. Some oral fluid may be restricted | Permitted | In Boulder positive results must be confirmed. Some oral fluid may be restricted |

Connecticut

State Law

Yes

Statute

CT Gen. Stat. §§ 31-51t to 51aa & 19a-30

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|--|
| Permitted | Method must be "reliable," positive results must be confirmed and MRO'D | Permitted | Method must be "reliable" Positive results must be confirmed and MRO'D |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Method must be "reliable," positive results must be confirmed and MRO'D. Oral fluid POCT not addressed so open to challenge. | Permitted | Method must be "reliable," positive results must be confirmed and MRO'D. Oral fluid POCT not addressed so open to challenge. |

Delaware

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

District of Columbia

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Florida

State Law

Voluntary law

Statute

FL Stat. Ann. § 440.102

Workers Compensation Premium Reduction (WCPR)

Yes

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|---|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR must adhere to collection procedures and all positives must be confirmed. |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|---|
| Permitted | Not allowed for voluntary WCPR | Permitted | If using for WCPR must adhere to collection procedures and all positives must be confirmed. |

Georgia*

State Law

Voluntary law

Statute

GA Code Ann. §§ 34-9-410 to 421 & 50-24-1 to – 6

Workers Compensation Premium Reduction (WCPR)

Yes - 7.5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Post-Offer allowed. If using for WCPR must adhere to collection procedures & all positives must be confirmed | Permitted | If using for WCPR must adhere to collection procedures and all positives must be confirmed. |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Post-Offer allowed. If using for WCPR must adhere to collection procedures & all positives must be confirmed | Permitted | If using for WCPR must adhere to collection procedures and all positives must be confirmed. |

*See End Notes

Hawaii

State Law

Yes

Statute

HI Rev. Stat. Ann. §§ 329b-1 to –8, HI Admin. Rules Tit. 11, Ch. 113

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | For applicants only and must be approved by HI Dept. of Health, and device must be FDA Cleared. POCT manufacturer or designated representative must train collector. Non-negatives/Positives need confirmation and MRO'd. THC cutoff for confirmation is 100/ng/mL | Permitted | For applicants only and must be approved by HI Dept. of Health, and device must be FDA Cleared. POCT manufacturer or designated representative must train collector. Non-negatives/Positives need confirmation and MRO'd. THC cutoff for confirmation is 100/ng/mL |

Hawaii Cont.

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | For applicants only and must be approved by HI Dept. of Health, and device must be FDA Cleared. POCT manufacturer or designated representative must train collector. Non-negatives/Positives need confirmation and MRO'd. THC cutoff for confirmation is 100/ng/mL | Permitted | For applicants only and must be approved by HI Dept. of Health, and device must be FDA Cleared. POCT manufacturer or designated representative must train collector. Non-negatives/Positives need confirmation and MRO'd. THC cutoff for confirmation is 100/ng/mL |

Idaho

State Law

Voluntary law

Statute

ID Code §§ 72-1701 to -1716

Workers Compensation Premium Reduction (WCPR)

Yes

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | If using for DFWP, must assure positives can be confirmed | Permitted | If using for DFWP, must assure positives can be confirmed |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | If using for DFWP, must assure positives can be confirmed | Permitted | If using for DFWP, must assure positives can be confirmed |

Illinois

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Indiana

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Iowa

State Law

Yes

Statute

IA Code - § 730.5 & IA Admin. Code r. 641-12.1 to -.21

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | Must be able to have positive confirmed & MRO'd | Permitted | Must be able to have positive confirmed & MRO'd |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | Must be able to have positive confirmed & MRO'd | Permitted | Must be able to have positive confirmed & MRO'd |

Kansas

State Law

Yes

Statute

KS Stat. Ann. §§ 65-1,107 to 1,108a & KS Admin. Regs. 28-33-12

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Restricted | POCT not covered, but still precluded by dept. of health. | Permitted | Department of Health requires federal cutoff levels and lab must be HHS or CLIA certified |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|--|
| Restricted | POCT not covered, but still precluded by dept. of health. | Restricted | Department of Health requires federal cutoff levels and lab must be HHS or CLIA certified. |

Kentucky

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Louisiana

State Law

Yes

Statute

LA Rev. Stat. Ann. §§ 49:1001-1012, 23:1081, 23:1601

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Positive must be confirmed & MRO'd, FDA Clearance required, Must follow SAMHSA for published drugs | Permitted | Positive must be confirmed & MRO'd, FDA Clearance required. |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Positive must be confirmed & MRO'd, FDA Clearance required, Must follow SAMHSA for published drugs | Permitted | Positive must be confirmed & MRO'd, FDA Clearance required. |

Maine*

State Law

Yes

Statute

ME Rev. Stat. Ann. Tit. 26 §§ 681-690.

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-----------------------------|
| Permitted | Allowed by Statute, positives must be confirmed, use for Pre-Employment only, FDA approval required. However DOL does not allow until Dept. of Health publishes regulations | Permitted | Positive must be confirmed. |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|--|
| Restricted | Allowed by Statute, positives must be confirmed, use for Pre-Employment only, FDA approval required. However DOL does not allow until Dept. of Health publishes regulations | Permitted | Positive must be confirmed. FDA clearance required for product and all statutory requirements must be complied with. |

*See End Notes. Statutes have extensive requirements & should be consulted.

Maryland

State Law

Yes

Statute

MD Health Gen. Code Ann. §§ 17-214 to -217, MD Regs. Code Tit. 10 §§ 10.10.01 to -.09

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-------------------------------------|
| Permitted | Pre-Employment Only. Must be FDA Cleared. Positives must be confirmed & MRO'd. POCT must be registered with Dept. of Health & Mental Hygiene. POCT not allowed for Union employees. | Permitted | Positives must be confirmed & MRO'd |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|--|
| Permitted | Pre-Employment Only. Must be FDA Cleared. Positives must be confirmed & MRO'd. POCT must be registered with Dept. of Health & Mental Hygiene. POCT not allowed for Union employees. | Permitted | Positives must be confirmed & MRO'd. FDA requirements for product may need to be met but FDA reference in statute refers to POCT, so this requirement is not entirely clear. |

Massachusetts

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Michigan

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Restricted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Restricted | None | Restricted | None |

Minnesota

State Law

Yes

Statute

MN Stat. Ann. §§ 181.950 to -.957

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Prohibited | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Prohibited | None | Permitted | None |

Mississippi

State Law

Voluntary law

Statute

MS Code Ann. §§ 71-3-201 to -225, 71-7-1 - 33

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|--|
| Permitted | If using for WCPR must follow collection guidelines. Positive test must be confirmed. | Permitted | If using for WCPR must follow collection guidelines. Positive test must be confirmed |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | If using for WCPR must follow collection guidelines. Positive test must be confirmed. Dept. of Health reserves saliva for alcohol tests | Permitted | If using for WCPR must follow collection guidelines. Positive test must be confirmed. Dept. of Health reserves saliva for alcohol tests |

Missouri

State Law

Yes

Statute

MO Rev. Stat. - 287.120 (6)

Workers Compensation Premium Reduction (WCPR)

Yes - 50% Benefit Reduction or forfeiture if proximate cause established

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Montana

State Law

Yes

Statute

mont. code ann. §§ 39-2-205 to -211

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Restricted | POCT permitted for initial test. Law addresses applicants and safety sensitive employees only. All positives must be confirmed & MRO'd | Permitted | Law addresses applicants and safety sensitive employees only. All positives must be confirmed & MRO'd |

Montana Cont.

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Restricted | POCT permitted for initial test. Test must be FDA Cleared. Law addresses applicants and safety sensitive employees only. All positives must be confirmed & MRO'd | Permitted | Must be FDA cleared and confirmation by GC/MS is required |

Nebraska

State Law

Yes

Statute

neb. rev. stat. §§ 48-1901 to -1910

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Permitted for initial test only. Positives must be confirmed by CLIA Cert. lab and kept for 180 days | Permitted | Permitted for initial test only. Positives must be confirmed by CLIA Cert. lab and kept for 180 days |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Permitted for initial test only. Positives must be confirmed by CLIA Cert. lab and kept for 180 days | Permitted | Permitted for initial test only. Positives must be confirmed by CLIA Cert. lab and kept for 180 days |

Nevada*

State Law

Yes

Statute

NV Revised Statutes and NV Admin. Code, Chapter 652 Medical Laboratories

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-----------|
| Permitted | Must follow Medical Laboratory Licensing Laws and the Bureau of Licensure and Certification regs and instructions (see Notes) | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-----------|
| Permitted | Must follow Medical Laboratory Licensing Laws and the Bureau of Licensure and Certification regs and instructions (see Notes) | Permitted | None |

*See End Notes.

New Hampshire

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

New Jersey

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

New Mexico

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

New York*

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|-----------|
| Restricted | State Dept. of Health Regulates POCT Testing | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|-----------|
| Restricted | State Dept. of Health Regulates POCT Testing | Permitted | None |

*See End Notes.

North Carolina

State Law

Yes

Statute

n.c. gen. stat. §§ 95-230 to -235 & n.c. admin. code tit. 13, r. 20.0100 to .0602

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Only for Pre-employment. All positives must be confirmed by lab. | Permitted | All Positives must be confirmed by lab |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Only for Pre-employment. All positives must be confirmed by lab. | Permitted | All Positives must be confirmed by lab |

North Dakota

State Law

No

Statute

None - Comp Law ND Cent. Code §§ 65-01-02 to -11

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|-----------|
| Permitted | May not stand as employer's presumption of intoxication under worker's comp. law | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | May not stand as employer's presumption of intoxication under worker's comp. law | Permitted | May not stand as employer's presumption of intoxication under worker's comp. law |

Ohio

State Law

Voluntary Law

Statute

ohio rev. code ann. § 4123.34, ohio admin. code § 4123-17-58

Workers Compensation Premium Reduction (WCPR)

Yes - 10-20% for state funded employers

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-----------|
| Permitted | Not allowed for WCPR. State Dept. of Health Regulates POCT Testing (See Note) | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|-----------|
| Permitted | Not allowed for WCPR, except for alcohol. | Permitted | None |

Oklahoma

State Law

Yes

Statute

okla. stat. ann. tit. 40 §§ 551-565 & okla. admin. code §§ 310:638-1-1 to -7-11

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | All positives must be confirmed & MRO'd | Permitted | All positives must be confirmed & MRO'd |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. May also be used for initial alcohol test. | Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. May also be used for initial alcohol test. |

Oregon

State Law

Yes

Statute

or. rev. stat. § 438.435 & or. admin. r. 333-024-0305 to -0365

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. Must register with Dept. of Human Svs. Health Div. | Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. |

Oregon Cont.

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|---|
| Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. Must register with Dept. of Human Svs. Health Div. | Permitted | Product must be FDA Cleared. All positives must be confirmed & MRO'd. |

Pennsylvania

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Puerto Rico

State Law

Yes

Statute

PR laws ann. tit. 29, §§ 161-161h

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|---|
| Permitted | None | Prohibited | Unless unable to obtain urine sample, or testing began prior to 2/1/98. |

Rhode Island

State Law

Yes

Statute

r.i. gen. laws §§ 28-6.5-1

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | All positives must be confirmed. Employee has statutory right to provide sample in private | Permitted | All positives must be confirmed. Employee has statutory right to provide sample in private |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | All positives must be confirmed. Employee has statutory right to provide sample in private | Permitted | All positives must be confirmed. Employee has statutory right to provide sample in private |

South Carolina

State Law

Voluntary Law

Statute

s.c. code ann. §§ 41-1-15 & 38-73-500

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Restricted | Not permitted under Unemployment Compensation Provisions. Will not support a challenge to a claim. S.C. Code Ann. Section 41-35-120 | Restricted | Not permitted under Unemployment Compensation Provisions. Will not support a challenge to a claim. S.C. Code Ann. Section 41-35-120 |

South Dakota

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Tennessee

State Law

Voluntary Law

Statute

tenn. code ann. §§ 50-9-101 to -102 & tenn. comp. r. & regs. ch. 0800-2-12

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|-------------------------------------|
| Permitted | Not allowed for voluntary WCPR | Permitted | For WCPR must follow DOT guidelines |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--------------------------------|-------------|--------------------------------|
| Permitted | Not allowed for voluntary WCPR | Prohibited | Not allowed for voluntary WCPR |

Texas

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Utah

State Law

Voluntary Law

Statute

utah code ann. §§ 34-38-1 to -15

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | All positives must be confirmed and MRO'd | Permitted | All positives must be confirmed and MRO'd |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | All positives must be confirmed and MRO'd | Permitted | All positives must be confirmed and MRO'd |

Vermont

State Law

Yes

Statute

vt. stat. ann. tit. 21, §§ 511-520

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Prohibited | None | Prohibited | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Prohibited | None | Prohibited | None |

Virginia

State Law

Voluntary Law

Statute

va. code ann. §§ 65.2-813.2

Workers Compensation Premium Reduction (WCPR)

Yes - 5%

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | If using for WCPR positives must be confirmed | Permitted | If using for WCPR positives must be confirmed |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|---|-------------|---|
| Permitted | If using for WCPR positives must be confirmed | Prohibited | If using for WCPR positives must be confirmed |

Washington

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

West Virginia

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Wisconsin

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Laboratory confirmation required for workers comp / unemp. Benefit reduction | Permitted | Laboratory confirmation required for workers comp / unemp. Benefit reduction |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|--|-------------|--|
| Permitted | Laboratory confirmation required for workers comp / unemp. Benefit reduction | Permitted | Laboratory confirmation required for workers comp / unemp. Benefit reduction |

Wyoming

State Law

No

Statute

None

Workers Compensation Premium Reduction (WCPR)

No

Urine Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Permitted | None |

Oral Fluid Testing

| POCT Testing | POCT Notes | Lab Testing | Lab Notes |
|--------------|------------|-------------|-----------|
| Permitted | None | Prohibited | None |

End Notes

Point of Collection Testing (POC) Testing in Georgia:

The voluntary law (Senate Bill 96/AP amending GA Code Ann. 34-9-415, effective July 1, 2007) states that an employer must require job applicants to submit to substance abuse test after extending an offer of employment (so post-offer testing). However, there is an additional section stating that for pre-job offer screening only, a person trained and qualified to “conduct on-site” or “oral testing” may conduct the testing. This seems contradictory if applicant tests must be conducted post-offer as provided in the statute’s general introductory section. It is recommended that all applicant testing be conducted post-offer.

Point of Collection Testing (POC) Testing in Nevada:

Some workplace drug testing methodologies must comply with the procedures mandated by the Nevada Revised Statutes and the Nevada Administrative Code, Chapter 652, Medical Laboratories. These testing methodologies include point of collection urine testing, point of collection oral fluids testing and both point of collection hair testing and laboratory based hair testing. The April 7, 2008 web based notification from the Nevada Bureau of Licensure and Certification states as follows:

NRS 652.060 “Medical laboratory” defined. “Medical laboratory” means any facility for microbiological, serological, immunohematological (blood banking), cytological, histological, chemical, hematological, biophysical, toxicological, or other methods of examination of tissues, secretions or excretions of the human body. The term does not include a forensic laboratory operated by a law enforcement agency.

In response to a flood of phone calls the Nevada Bureau of Licensure and Certification on April 7, 2008 placed the following on its web site: http://health.nv.gov/index.php?option=com_content&task=view&id=37&Itemid=77

Note on permissibility of point-of-collection testing (also referred to as point-of-care testing) in New York:

Per Dr. Richard W. Jenny at the State of New York Department of Health on August 27, 2007, point-of-collection testing continues to be prohibited in New York under the New York Department of Health Clinical Laboratory Laws and the Regulations promulgated by the State Department of Health. However, models for regulatory oversight of POCT testing have been suggested by proposed amendments to the Public Health Laws this year. Two bills are currently pending in the New York Legislature. They are bills: Canestrari A8712A and Lavalley S5564A. Senator Lavalley’s bill seeks to exempt POCT testing from the Clinical Laboratory Laws and to waive testing facilities from the current stringent licensure requirements. Senator Lavalley’s bill would address the current limitations to POCT testing better than the Canestrari bill that only exempts limited test sites from licensure but neither go far enough to address the needs of the Drug and Alcohol Testing Industry and the clients it serves. Proposed Regulatory and Technical Requirements for Point-of-Collection Workplace Alcohol Testing (which also include requirements for point-of-collection drug testing) were drafted in January of 2007. As drafted, these requirements do not adequately address the permissibility of conducting point-of-collection testing at an employer’s work site. They only address test facility/collection site testing. This issue is under discussion with Dr. Jenny and will be brought to the Drug and Alcohol Industry Associations as an Industry issue that requires resolution.

Maine:

Maine’s law has been amended to permit FDA approved laboratory based oral fluid (Intercept) and FDA approved laboratory based hair testing. The law is effective now but please note that Employer must comply with all other requirements under Maine’s drug testing statute, including policy submission and approval by the Maine Department of Labor.



alere toxicology.com | products: 800.340.4029 | lab services: 800.433.3823 | ppsg: 800.870.4456