

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1861

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to Standards for Workplace Drug and
8 Alcohol Testing Act; amending 40 O.S. 2011, Section
9 560, which relates to test records; authorizing
10 release of certain records to comply with judicial or
11 administrative order; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY 40 O.S. 2011, Section 560, is
14 amended to read as follows:

15 Section 560. A. Records of all drug and alcohol test results
16 and related information maintained by the employer shall be the
17 property of the employer and, upon the request of the applicant or
18 employee tested, shall be made available for inspection and copying
19 to the applicant or employee. An employer shall not release such
20 records to any person other than the applicant, employee or the
21 employer's review officer, unless the applicant or employee, in
22 writing following receipt of the test results, has expressly granted
23 permission for the employer to release such records or in order to
24 comply with a valid judicial or administrative order. A written

1 record of the chain of custody of the sample shall be maintained
2 from the time of the collection of the sample until the sample is no
3 longer required.

4 B. A testing facility, or any agent, representative or designee
5 of the facility, or any review officer, shall not disclose to any
6 employer, based on the analysis of a sample collected from an
7 applicant or employee for the purpose of testing for the presence of
8 drugs or alcohol, any information relating to the general health,
9 pregnancy or other physical or mental condition of the applicant or
10 employee.

11 A testing facility shall release the results of the drug or
12 alcohol test, and any analysis and information related thereto, to
13 the individual tested upon request.

14 SECTION 2. This act shall become effective November 1, 2012.

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