

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1687, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Paxton

Paxton-NP-FS-Req#3991
3/3/2020 3:39 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1687

By: Paxton

FLOOR SUBSTITUTE

An Act relating to Standards for Workplace Drug and Alcohol Testing Act; amending 40 O.S. 2011, Section 552, as last amended by Section 24, Chapter 11, O.S.L. 2019 (40 O.S. Supp. 2019, Section 552), which relates to definitions; modifying definition; including certain volunteers; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 552, as last amended by Section 24, Chapter 11, O.S.L. 2019 (40 O.S. Supp. 2019, Section 552), is amended to read as follows:

Section 552. As used in the Standards for Workplace Drug and Alcohol Testing Act:

1. "Alcohol" means ethyl alcohol or ethanol;

2. "Applicant" means a person who has applied for a position with an employer and received a conditional offer of employment or a person who seeks to supply services or labor in a safety sensitive

1 position as defined in Section 427.8 of Title 63 of the Oklahoma
2 Statutes to an organization;

3 3. "Board" means the State Board of Health;

4 4. "Confirmation test" means a drug or alcohol test on a sample
5 to substantiate the results of a prior drug or alcohol test on the
6 same sample and which uses different chemical principles and is of
7 equal or greater accuracy than the prior drug or alcohol test.

8 Where a breathalyzer test is utilized, a confirmation test means a
9 second sample test that confirms the prior result. Where a single-
10 use test is utilized, a confirmation test means a second test
11 confirmed by a testing facility. A breath or blood specimen may be
12 used for the confirmation test for alcohol. A urine, saliva or
13 blood specimen may be used for the confirmation test for drugs;

14 5. "Department" means the State Department of Health;

15 6. "Drug" means amphetamines, cannabinoids, cocaine,
16 phencyclidine (PCP), hallucinogens, methaqualone, opiates,
17 barbiturates, benzodiazepines, synthetic narcotics, designer drugs,
18 or a metabolite of any of the substances listed herein;

19 7. "Drug or alcohol test" means a chemical test administered
20 for the purpose of determining the presence or absence of a drug or
21 its metabolites or alcohol in a person's bodily tissue, fluids or
22 products. Adulteration of a specimen or of a drug or alcohol test
23 shall be considered as a refusal to test;

1 8. "Employee" means any person who supplies labor for
2 remuneration to his or her employer in this state and shall not
3 include an independent contractor, subcontractor ~~or~~, employees of an
4 independent contractor or volunteer; provided, however, an
5 independent contractor, subcontractor, or employees of an
6 independent contractor, may be subject to a workplace drug or
7 alcohol testing policy under the terms of the contractual agreement
8 when the drug or alcohol testing policy applies to other workers at
9 the job site or workers who are in the same or similar
10 classification or group, and a volunteer who supplies volunteer
11 services or labor in a safety-sensitive position as defined by
12 Section 427.8 of Title 63 of the Oklahoma Statutes to an
13 organization may be subject to a workplace drug and alcohol testing
14 policy under the terms of the organization's policy;

15 9. "Employer" means any person, firm, corporation, partnership,
16 association, nonprofit organization or public employer, which has
17 one or more employees within this state, or which has offered or may
18 offer employment or volunteer opportunities in safety-sensitive
19 positions as defined by Section 427.8 of Title 63 of the Oklahoma
20 Statutes to one or more individuals in this state;

21 10. "Public employer" means the State of Oklahoma or any
22 political subdivision thereof, including any department, agency,
23 board, commission, institution, authority, public trust,
24 municipality, county, district or instrumentalities thereof;

1 11. "Review officer" means a person, qualified by the State
2 Board of Health, who is responsible for receiving results from a
3 testing facility which have been generated by an employer's drug or
4 alcohol testing program, and who has knowledge and training to
5 interpret and evaluate an individual's test results together with
6 the individual's medical history and any other relevant information;

7 12. "Sample" means tissue, fluid or product of the human body
8 chemically capable of revealing the presence of drugs or alcohol in
9 the human body; and

10 13. "Testing facility" means a facility which provides
11 laboratory services to test samples for the presence of drugs or
12 alcohol.

13 SECTION 2. This act shall become effective November 1, 2020.

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15 57-2-3991 NP 3/3/2020 3:39:17 PM
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