

1 ENGROSSED SENATE
2 BILL NO. 1687

By: Paxton of the Senate

3 and

4 Echols of the House
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7 An Act relating to Standards for Workplace Drug and
8 Alcohol Testing Act; amending 40 O.S. 2011, Section
9 552, as last amended by Section 24, Chapter 11,
10 O.S.L. 2019 (40 O.S. Supp. 2019, Section 552), which
11 relates to definitions; modifying definition;
12 including certain volunteers; and providing an
13 effective date.

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

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

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

20 1. "Alcohol" means ethyl alcohol or ethanol;

21 2. "Applicant" means a person who has applied for a position
22 with an employer and received a conditional offer of employment or a
23 person who seeks to supply services or labor in a safety sensitive
24 position as defined in Section 427.8 of Title 63 of the Oklahoma
Statutes to an organization;

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

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

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

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

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

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

22 8. "Employee" means any person who supplies labor for
23 remuneration to his or her employer in this state and shall not
24 include an independent contractor, subcontractor ~~or~~, employees of an

1 independent contractor or volunteer; provided, however, an
2 independent contractor, subcontractor, or employees of an
3 independent contractor, may be subject to a workplace drug or
4 alcohol testing policy under the terms of the contractual agreement
5 when the drug or alcohol testing policy applies to other workers at
6 the job site or workers who are in the same or similar
7 classification or group, and a volunteer who supplies volunteer
8 services or labor in a safety-sensitive position as defined by
9 Section 427.8 of Title 63 of the Oklahoma Statutes to an
10 organization may be subject to a workplace drug and alcohol testing
11 policy under the terms of the organization's policy;

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

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

22 11. "Review officer" means a person, qualified by the State
23 Board of Health, who is responsible for receiving results from a
24 testing facility which have been generated by an employer's drug or

1 alcohol testing program, and who has knowledge and training to
2 interpret and evaluate an individual's test results together with
3 the individual's medical history and any other relevant information;

4 12. "Sample" means tissue, fluid or product of the human body
5 chemically capable of revealing the presence of drugs or alcohol in
6 the human body; and

7 13. "Testing facility" means a facility which provides
8 laboratory services to test samples for the presence of drugs or
9 alcohol.

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

11 Passed the Senate the 11th day of March, 2020.

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14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2020.

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19 Presiding Officer of the House
20 of Representatives
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