

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1045

By: Lawson of the House

and

Gollihare of the Senate

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7 An Act relating to labor; creating rules for
8 preliminary drug testing results; creating rules for
9 conclusive drug testing results; providing for
10 codification; and providing an effective date.

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12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
13 entire bill and insert

14 "An Act relating to labor; creating rules for single-
15 use test results; creating rules for conclusive drug
16 testing results; providing for codification; and
17 providing an effective date.

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

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

22 A. A testing facility shall report single-use test results that
23 meet the standard to be sent to the laboratory for confirmation
24 testing to an employer's review officer, or a designee of the

1 employer's review officer, as soon as the results for the single-use
2 test become available or the next working day. The final conclusion
3 of the testing, which shall include the results of the single-use
4 tests, confirmatory tests, or quality control data, shall be
5 reviewed and the test certified as an accurate report by the
6 responsible individual. The report shall identify the drugs and
7 metabolites tested for, whether positive or negative, and the cutoff
8 for each, the specimen number assigned by the employer, and the
9 testing facility specimen identification number.

10 B. The drug screen testing facility shall report as negative
11 all specimens which are negative on the single-use test or negative
12 on the confirmatory test. Only specimens confirmed positive shall
13 be reported as positive for a specific drug.

14 C. The review officer may request from the certified
15 laboratory, and the certified laboratory shall provide, quantitation
16 of test results. The review officer shall not disclose quantitation
17 of test results to the employer but shall report only whether the
18 test was positive or negative.

19 D. The drug screen testing facility may transmit results to the
20 review officer by electronic means, including teleprinters,
21 facsimile, or computer, in a manner designed to ensure
22 confidentiality of the information. Results shall not be provided
23 verbally by telephone. The drug screen testing facility shall
24

1 ensure the security of the data transmission and limit access to any
2 data transmission, storage, and retrieval system.

3 E. The certified laboratory shall send to the review officer
4 the positive drug test results, which shall be signed by the
5 individual responsible for the day-to-day management of the
6 certified laboratory or the individual responsible for attesting to
7 the validity of the test reports.

8 SECTION 2. This act shall become effective November 1, 2023.”

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10 Passed the Senate the 17th day of April, 2023.

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12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2023.

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17 _____
18 Presiding Officer of the House
19 of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 1045

By: Lawson of the House

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6 An Act relating to labor; creating rules for
7 preliminary drug testing results; creating rules for
8 conclusive drug testing results; providing for
9 codification; and providing an effective date.

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

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 559.1 of Title 40, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A drug screen testing facility shall report preliminary
15 positive test results to an employer's review officer as soon as the
16 results for the preliminary test become available or the next
17 working day. The final conclusion of the testing (the results of
18 initial tests, confirmatory tests, or quality control data), shall
19 be reviewed and the test certified as an accurate report by the
20 responsible individual. The report shall identify the drugs and
21 metabolites tested for, whether positive or negative, and the cutoff
22 for each, the specimen number assigned by the employer, and the drug
23 screen testing facility specimen identification number.

1 B. The drug screen testing facility shall report as negative
2 all specimens which are negative on the initial test or negative on
3 the confirmatory test. Only specimens confirmed positive shall be
4 reported as positive for a specific drug.

5 C. The review officer may request from the drug screen testing
6 facility, and the drug screen testing facility shall provide,
7 quantitation of test results. The review officer shall not disclose
8 quantitation of test results to the employer but shall report only
9 whether the test was positive or negative.

10 D. The drug screen testing facility may transmit results to the
11 review officer by electronic means, including, teleprinters,
12 facsimile, or computer, in a manner designed to ensure
13 confidentiality of the information. Results shall not be provided
14 verbally by telephone. The drug screen testing facility shall
15 ensure the security of the data transmission and limit access to any
16 data transmission, storage, and retrieval system.

17 E. The drug screen testing facility shall send to the review
18 officer the positive drug test results, which shall be signed by the
19 individual responsible for the day-to-day management of the drug
20 screen testing facility or the individual responsible for attesting
21 to the validity of the test reports.

22 F. All results reported to the employer shall be by the same
23 source.

24 SECTION 4. This act shall become effective November 1, 2023.

1 Passed the House of Representatives the 9th day of March, 2023.

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3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate