AN ACT

To amend and reenact R.S. 49:1002(J) and 1005(A)(introductory paragraph) and to enact R.S. 49:1001(14), relative to drug testing standards; to provide for drug testing by CAP-FDT-certified laboratories; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:1002(J) and 1005(A)(introductory paragraph) are hereby amended and reenacted and R.S. 49:1001(14) is enacted to read as follows:

§1001. Definitions

As used in this Chapter, the following words and phrases have the meanings contained herein unless the context clearly requires otherwise:

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(14) "CAP-FDT-certified laboratory" means a laboratory certified for forensic hair drug testing by the College of American Pathologists.

§1002. Applicability

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J. This Chapter does not preclude an employer or an employer's agent from utilizing a USFDA-cleared specimen testing method that uses a sample as defined in R.S. 49:1001 provided that such sample is processed in a laboratory with a SAMHSA, or CAP-FUDT, or CAP-FDT certification using generally accepted cutoff levels as established by the USFDA for the type of sample tested, or by SAMHSA at such time when SAMHSA implements a final rule to regulate the type of sample test. Any sample collected shall be subject to USFDA-cleared immunoassay screening and confirmation testing at a SAMHSA-certified, or CAP-FUDT-certified, or CAP-FDT-certified laboratory. Such samples that test positive shall be preserved...
by the laboratory and available for challenge testing at the request of the donor. No
sample shall be used to collect or analyze DNA.

§1005. Use of certified laboratories for drug testing of samples collected

A. All drug testing of individuals in residence in the state and all drug testing
of samples collected in the state, including territorial waters and any other location
to which the laws of Louisiana are applicable, shall be performed in SAMHSA-
certified, or CAP-FUDT-certified, or CAP-FDT-certified laboratories, if both of the
following apply:

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.