

2015 Regular Session

HOUSE BILL NO. 379

BY REPRESENTATIVE HOLLIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS/TESTING: Provides relative to drug testing standards

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 §1001. Definitions

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

11 * * *

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

14 §1002. Applicability

15 * * *

16 J. This Chapter does not preclude an employer or an employer's agent from
17 utilizing a USFDA-cleared specimen testing method that uses a sample as defined
18 in R.S. 49:1001 provided that such sample is processed in a laboratory with a
19 SAMHSA, ~~or CAP-FUDT,~~ or CAP-HAIR certification using generally accepted
20 cutoff levels as established by the USFDA for the type of sample tested, or by

1 SAMHSA at such time when SAMHSA implements a final rule to regulate the type
2 of sample test. Any sample collected shall be subject to USFDA-cleared
3 immunoassay screening and confirmation testing at a SAMHSA-certified, ~~or~~ CAP-
4 FUDT-certified, ~~or~~ CAP-HAIR-certified laboratory. Such samples that test positive
5 shall be preserved by the laboratory and available for challenge testing at the request
6 of the donor. No sample shall be used to collect or analyze DNA.

7 §1005. Use of certified laboratories for drug testing of samples collected

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

13 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Authorizes CAP-HAIR-certified laboratories to perform drug testing.

Present law regulates drug testing for the presence of marijuana, opioids, cocaine, amphetamines, and phencyclidine. Further authorizes the testing of urine samples by laboratories certified by the Substance Abuse and Mental Health Services Administration or the College of American Pathologists.

Proposed law retains present law and adds an authorization for the testing of hair samples by laboratories certified by the College of American Pathologists.

(Amends R.S. 49:1002(J) and 1005(A)(intro. para.); Adds R.S. 49:1001(14))