

ACT No. 74

2015 Regular Session

HOUSE BILL NO. 379

BY REPRESENTATIVE HOLLIS AND SENATOR MURRAY

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-FDT-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-FDT-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-FDT certification using generally accepted cutoff
20 levels as established by the USFDA for the type of sample tested, or by SAMHSA
21 at such time when SAMHSA implements a final rule to regulate the type of sample
22 test. Any sample collected shall be subject to USFDA-cleared immunoassay
23 screening and confirmation testing at a SAMHSA -certified, ~~or CAP-FUDT-certified,~~
24 or CAP-FDT-certified laboratory. Such samples that test positive shall be preserved

1 by the laboratory and available for challenge testing at the request of the donor. No
2 sample shall be used to collect or analyze DNA.

3 §1005. Use of certified laboratories for drug testing of samples collected

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

9 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____