

34-38-7 Employer's written testing policy -- Purposes and requirements for collection and testing -- Employer's use of test results.

- (1) Testing or retesting for the presence of drugs or alcohol by an employer shall be carried out within the terms of a written policy which has been distributed to employees and is available for review by prospective employees.
- (2) Within the terms of his written policy, an employer may require the collection and testing of samples for the following purposes:
 - (a) investigation of possible individual employee impairment;
 - (b) investigation of accidents in the workplace or incidents of workplace theft;
 - (c) maintenance of safety for employees or the general public; or
 - (d) maintenance of productivity, quality of products or services, or security of property or information.
- (3) The collection and testing of samples shall be conducted in accordance with Sections 34-38-4, 34-38-5, and 34-38-6, and need not be limited to circumstances where there are indications of individual, job-related impairment of an employee or prospective employee.
- (4) The employer's use and disposition of all drug or alcohol test results are subject to the limitations of Sections 34-38-8 and 34-38-13.

Enacted by Chapter 234, 1987 General Session