Effective 5/10/2016 34-38-2 Definitions.

For purposes of this chapter:

- (1) "Alcohol" means ethyl alcohol or ethanol.
- (2) "Drugs" means a substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, or supplement to any of those compendia.
- (3) "Employee" means an individual in the service of an employer for compensation.

(4)

- (a) "Employer" means a person, including a public utility or transit district, that has one or more workers or operators employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
- (b) "Employer" does not include the federal or state government, or other local political subdivisions.
- (5) "Failed test" means a confirmed drug or alcohol test that indicates that the sample tested is:
 - (a) positive;
 - (b) adulterated; or
 - (c) substituted.
- (6) "Inaccurate test result" means a test result that is treated as a positive test result, when the sample should not have resulted in a positive test result.
- (7) "Licensed physician" means an individual who is licensed:
 - (a) as a doctor of medicine under Title 58, Chapter 67, Utah Medical Practice Act, or similar law of another state; or
 - (b) as an osteopathic physician or surgeon under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or similar law of another state.
- (8) "Prospective employee" means an individual who applies to an employer, either in writing or orally, to become the employer's employee.
- (9) "Sample" means urine, blood, breath, saliva, or hair.

Amended by Chapter 348, 2016 General Session