

34-41-103 Policy requirements.

- (1)
 - (a) Before testing or retesting for the presence of drugs, a local governmental entity or state institution of higher education shall:
 - (i) adopt a written policy or ordinance;
 - (ii) distribute it to employees and volunteers; and
 - (iii) make it available for review by prospective employees and prospective volunteers.
 - (b) The local governmental entity or state institution of higher education may only test or retest for the presence of drugs by following the procedures and requirements of that ordinance or policy.
- (2) The collection and testing of samples shall be conducted in accordance with Section 34-41-104 and not necessarily limited to circumstances where there are indications of individual, job-related impairment of an employee or volunteer.
- (3) The use and disposition of all drug test results are subject to the limitations of Title 63G, Chapter 2, Government Records Access and Management Act, and Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213.
- (4) An employee, prospective employee, volunteer, or prospective volunteer shall submit a split urine sample for testing or retesting.
- (5) A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time the donor is so notified to request, at the donor's option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and employer. In addition to the test results of the 30 ml urine sample, the test results of the 15 ml urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this section and Section 34-41-104 have been complied with in the collection, handling, and testing of these samples.

Amended by Chapter 382, 2008 General Session