

90 (b) if otherwise permitted by law, is not limited only to collecting or testing in
 91 circumstances where there are indications of job-related impairment of an employee or
 92 volunteer.

93 (3) The use and disposition of all drug test results are subject to the limitations of Title
 94 63G, Chapter 2, Government Records Access and Management Act, and the Americans with
 95 Disabilities Act of 1990, 42 U.S.C. 12101 through 12213.

96 (4) A donor who is subject to testing under a policy or ordinance described in
 97 Subsection (1)(a) shall ~~submit a split urine or split oral sample for testing or retesting.~~ :
 97a (a) submit an oral sample for testing; or
 97b (b) submit a split urine sample for testing or retesting. ←H

98 (5) Unless the policy or ordinance described in Subsection (1)(a) provides otherwise,
 99 the local governmental entity or state institution of higher education may specify the type of
 100 sample, described in Subsection (4), that the donor is required to submit.

101 (6) A split urine sample shall consist of at least 45 milliliters of urine, divided into two
 102 specimen bottles with:

103 (a) at least 30 milliliters of urine in one bottle, for the initial test; and

104 (b) at least 15 milliliters of urine in the other bottle for retesting, if requested under
 105 Subsection (7).

106 (7) If the test results of a urine or oral test indicate the presence of drugs, the local
 107 governmental entity or state institution of higher education shall:

108 (a) give notice to the donor:

109 (i) of the test results; and

110 (ii) ~~submit a split urine or split oral sample for testing or retesting.~~ ←H that the donor may, within 72 hours after the local
 110a government entity or state

111 institution of higher education provides the notice, request testing of the second sample; and

112 (b) test the second sample if the donor timely requests testing of the second sample.

113 (8) The expense of testing the second ~~submit a split urine or split oral sample for testing or retesting.~~ ←H sample will be equally divided
 113a between the

114 donor and the local governmental entity or state institution of higher education.

115 (9) The test results of the samples shall be considered at any subsequent disciplinary
 116 hearing if the requirements of this section and Section 34-41-104 are complied with in the
 117 collection, handling, and testing of the samples.

118 Section 3. Section **34-41-104** is amended to read:

119 **34-41-104. Requirements for identification, collection, and testing of samples.**

120 (1) The local governmental entity or state institution of higher education shall ensure