

By the Committee on Commerce and Tourism; and Senator Baxley

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1                                   A bill to be entitled  
2       An act relating to drug-free workplaces; amending s.  
3       112.0455, F.S.; requiring licensed drug-testing  
4       facilities to perform prescreening tests on urine  
5       specimens to determine their validity; specifying  
6       requirements for such prescreening tests; requiring  
7       such facilities to only use certain screening tests;  
8       authorizing such facilities to rely on the screening  
9       tests to determine if certain confirmation testing is  
10      required; providing that urine specimens may not be  
11      sent to an out-of-state facility unless the facility  
12      complies with certain requirements; authorizing the  
13      Agency for Health Care Administration to adopt rules;  
14      conforming cross-references; amending s. 440.102,  
15      F.S.; revising definitions; revising required  
16      information in a written policy statement provided to  
17      employees and job applicants before drug testing;  
18      revising the frequency of required followup drug  
19      testing; revising procedures for specimen collection,  
20      testing, and preservation; revising persons who may  
21      take or collect specimens for a drug test; revising  
22      requirements and procedures for retesting specimens;  
23      deleting and revising confidentiality requirements for  
24      employers relating to certain information; revising  
25      circumstances under which an employer may take certain  
26      actions relating to an employee or job applicant on  
27      the sole basis of certain positive test results;  
28      revising standards for chain-of-custody procedures;  
29      revising requirements and authorized actions relating

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30 to confirmation testing; requiring licensed drug-  
31 testing facilities to perform prescreening tests on  
32 urine specimens to determine their validity;  
33 specifying requirements for such prescreening tests;  
34 requiring such facilities to only use certain  
35 screening tests; authorizing such facilities to rely  
36 on the screening tests to determine if certain  
37 confirmation testing is required; providing that urine  
38 specimens may not be sent to an out-of-state facility  
39 unless the facility complies with certain  
40 requirements; authorizing the agency to adopt rules;  
41 conforming provisions to changes made by the act;  
42 conforming cross-references; amending s. 443.101,  
43 F.S.; conforming a cross-reference; providing an  
44 effective date.

45  
46 WHEREAS, the State of Florida has a profound interest in  
47 the health and welfare of its citizens, and

48 WHEREAS, new and emerging drug-testing subversion  
49 technologies represent a significant threat to the ability to  
50 properly identify those suffering from addiction and drug abuse,  
51 and

52 WHEREAS, the Legislature, therefore, seeks to require urine  
53 sample validity testing, such that those being tested can be  
54 properly and promptly identified for referral to drug treatment  
55 programs and other health care services, NOW, THEREFORE,

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Present subsections (13) through (17) of section  
60 112.0455, Florida Statutes, are redesignated as subsections (14)  
61 through (18), respectively, a new subsection (13) is added to  
62 that section, and paragraph (b) of subsection (6) and paragraph  
63 (a) of present subsection (15) are amended, to read:

64 112.0455 Drug-Free Workplace Act.—

65 (6) NOTICE TO EMPLOYEES.—

66 (b) Prior to testing, all employees and job applicants for  
67 employment shall be given a written policy statement from the  
68 employer which contains:

69 1. A general statement of the employer's policy on employee  
70 drug use, which shall identify:

71 a. The types of testing an employee or job applicant may be  
72 required to submit to, including reasonable suspicion or other  
73 basis; and

74 b. The actions the employer may take against an employee or  
75 job applicant on the basis of a positive confirmed drug test  
76 result.

77 2. A statement advising the employee or job applicant of  
78 the existence of this section.

79 3. A general statement concerning confidentiality.

80 4. Procedures for employees and job applicants to  
81 confidentially report the use of prescription or nonprescription  
82 medications both before and after being tested. Additionally,  
83 employees and job applicants shall receive notice of the most  
84 common medications by brand name or common name, as applicable,  
85 as well as by chemical name, which may alter or affect a drug  
86 test. A list of such medications shall be developed by the  
87 Agency for Health Care Administration.

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88 5. The consequences of refusing to submit to a drug test.

89 6. Names, addresses, and telephone numbers of employee  
90 assistance programs and local alcohol and drug rehabilitation  
91 programs.

92 7. A statement that an employee or job applicant who  
93 receives a positive confirmed drug test result may contest or  
94 explain the result to the employer within 5 working days after  
95 written notification of the positive test result. If an employee  
96 or job applicant's explanation or challenge is unsatisfactory to  
97 the employer, the person may contest the drug test result as  
98 provided by subsections (15) ~~(14)~~ and (16) ~~(15)~~.

99 8. A statement informing the employee or job applicant of  
100 his or her responsibility to notify the laboratory of any  
101 administrative or civil actions brought pursuant to this  
102 section.

103 9. A list of all drugs for which the employer will test,  
104 described by brand names or common names, as applicable, as well  
105 as by chemical names.

106 10. A statement regarding any applicable collective  
107 bargaining agreement or contract and the right to appeal to the  
108 Public Employees Relations Commission.

109 11. A statement notifying employees and job applicants of  
110 their right to consult the testing laboratory for technical  
111 information regarding prescription and nonprescription  
112 medication.

113 (13) DRUG-TESTING STANDARDS; SAMPLE VALIDITY PRESCREENING.-  
114 Before a drug testing facility licensed under part II of chapter  
115 408 may perform any drug-screening test on a urine specimen  
116 collected in this state, prescreening tests must be performed to

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117 determine the validity of the specimen. The prescreening tests  
118 must be capable of detecting, or detecting and defeating, novel  
119 or emerging urine drug testing subversion technologies as  
120 described in this subsection.

121 (a) The drug-testing facility shall use urine sample  
122 validity screening tests that meet all of the following  
123 criteria:

124 1. A urine sample validity screening test for creatinine  
125 must use a 20 mg/dL cutoff concentration and must have minimal  
126 interferences from bilirubin and blood in the urine. The urine  
127 sample validity screening test must be able to discriminate  
128 between a creatinine level from an unadulterated urine sample  
129 and a creatinine level arising from overhydration or creatine or  
130 protein loading.

131 2. A urine sample validity screening test for oxidants must  
132 be able to detect the presence or effects of oxidant adulterants  
133 up to 6 days after sample collection, under the sample storage  
134 conditions outlined in the laboratory standards guideline  
135 adopted by rule by the Agency for Health Care Administration,  
136 and after any sample transport that is routinely involved.

137 3. Urine sample validity screening tests must be able to  
138 detect synthetic or freeze-dried urine substituted for the  
139 donor's urine for drug testing.

140 4. Urine sample validity screening tests must be validated  
141 for the detection of all of the additional adulterant classes  
142 represented by glutaraldehyde, salt, heavy metals, cationic  
143 detergents, protease, strong alkaline buffers, and strong acidic  
144 buffers. The detection limits of these classes must be at a  
145 sufficient level to detect a nonphysiologic sample or

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146 interference with enzyme immunoassay drug screening tests.

147 (b) The drug-testing facility may only use urine sample  
148 validity screening tests that have undergone validation studies  
149 conducted by the manufacturer to document the product's  
150 conformance to the requirements of this subsection.

151 (c) A drug-testing facility may rely on urine sample  
152 validity screening tests to determine if confirmation testing is  
153 required for any urine sample that has been deemed invalid for  
154 drug screening.

155 (d) Urine specimens collected in this state may not be sent  
156 for drug screening tests to a drug-testing facility located  
157 outside of this state unless such drug testing facility complies  
158 with all requirements of this subsection.

159 (e) The Agency for Health Care Administration shall adopt  
160 rules necessary for the implementation and enforcement of this  
161 subsection.

162 (16) ~~(15)~~ NONDISCIPLINE REMEDIES.-

163 (a) Any person alleging a violation of the provisions of  
164 this section, who ~~that~~ is not remediable by the commission or an  
165 arbitrator pursuant to subsection (15) ~~(14)~~, must institute a  
166 civil action for injunctive relief or damages, or both, in a  
167 court of competent jurisdiction within 180 days of the alleged  
168 violation, or be barred from obtaining the following relief.  
169 Relief is limited to:

170 1. An order restraining the continued violation of this  
171 section.

172 2. An award of the costs of litigation, expert witness  
173 fees, reasonable attorney's fees, and noneconomic damages  
174 provided that damages shall be limited to the recovery of

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175 damages directly resulting from injury or loss caused by each  
176 violation of this section.

177 Section 2. Present subsections (9) through (15) of section  
178 440.102, Florida Statutes, are redesignated as subsections (10)  
179 through (16), respectively, a new subsection (9) is added to  
180 that section, and paragraphs (c), (e), and (q) of subsection  
181 (1), paragraph (a) of subsection (3), paragraph (a) of  
182 subsection (4), paragraphs (b) through (h), (j), (k), and (l) of  
183 subsection (5), subsection (6), paragraph (a) of subsection (7),  
184 and paragraphs (b) and (c) of present subsection (9) of that  
185 section are amended, to read:

186 440.102 Drug-free workplace program requirements.—The  
187 following provisions apply to a drug-free workplace program  
188 implemented pursuant to law or to rules adopted by the Agency  
189 for Health Care Administration:

190 (1) DEFINITIONS.—Except where the context otherwise  
191 requires, as used in this act:

192 (c) "Drug" means any form of alcohol, as defined in s.  
193 322.01(2), including a distilled spirit, wine, a malt beverage,  
194 or an intoxicating preparation; any controlled substance  
195 identified under Schedule I, Schedule II, Schedule III, Schedule  
196 IV, or Schedule V of s. 893.03; any controlled substance  
197 identified under Schedule I, Schedule II, Schedule III, Schedule  
198 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
199 812(c); ~~liquor; an amphetamine; a cannabinoid; cocaine;~~  
200 ~~phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a~~  
201 ~~barbiturate; a benzodiazepine; a synthetic narcotic; a designer~~  
202 ~~drug;~~ or a metabolite of any of the substances listed in this  
203 paragraph. An employer may test an individual for any or all of

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204 such drugs.

205 (e) "Drug test" or "test" means any chemical, biological,  
206 or physical instrumental analysis administered~~7~~ by a laboratory  
207 certified by the United States Department of Health and Human  
208 Services or licensed by the Agency for Health Care  
209 Administration~~7~~ for the purpose of determining the presence or  
210 absence of a drug or its metabolites. In the case of testing for  
211 the presence of alcohol, the test must be conducted in  
212 accordance with the United States Department of Transportation  
213 alcohol testing procedures authorized under 49 C.F.R. part 40,  
214 subparts J through M.

215 (q) "Specimen" means tissue, hair, or a product of the  
216 human body capable of revealing the presence of drugs or their  
217 metabolites, as approved by the United States Food and Drug  
218 Administration, ~~or~~ the Agency for Health Care Administration,  
219 the United States Department of Health and Human Services, or  
220 the United States Department of Transportation.

221 (3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

222 (a) One time only, before ~~prior to~~ testing, an employer  
223 shall give all employees and job applicants for employment a  
224 written policy statement that ~~which~~ contains:

225 1. A general statement of the employer's policy on employee  
226 drug use, which must identify:

227 a. The types of drug testing an employee or job applicant  
228 may be required to submit to, including reasonable-suspicion  
229 drug testing or drug testing conducted on any other basis.

230 b. The actions the employer may take against an employee or  
231 job applicant on the basis of a positive confirmed drug test  
232 result.



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- 233           2. A statement advising the employee or job applicant of  
234 the existence of this section.
- 235           3. A general statement concerning confidentiality.
- 236           4. Procedures for employees and job applicants to  
237 confidentially report to a medical review officer the use of  
238 prescription or nonprescription medications ~~to a medical review~~  
239 ~~officer both before and after being tested.~~
- 240           5. A list of the most common medications, by brand name or  
241 common name, as applicable, as well as by chemical name, which  
242 may alter or affect a drug test. A list of such medications as  
243 developed by the Agency for Health Care Administration shall be  
244 available to employers through the department.
- 245           6. The consequences of refusing to submit to a drug test.
- 246           7. A representative sampling of names, addresses, and  
247 telephone numbers of employee assistance programs and local drug  
248 rehabilitation programs.
- 249           8. A statement that an employee or job applicant who  
250 receives a positive confirmed test result may contest or explain  
251 the result to the medical review officer within 5 working days  
252 after receiving written notification of the test result; that if  
253 an employee's or job applicant's explanation or challenge is  
254 unsatisfactory to the medical review officer, the medical review  
255 officer shall report a positive test result back to the  
256 employer; and that a person may contest the drug test result  
257 pursuant to law or to rules adopted by the Agency for Health  
258 Care Administration.
- 259           9. A statement informing the employee or job applicant of  
260 his or her responsibility to notify the laboratory of any  
261 administrative or civil action brought pursuant to this section.

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262 10. A list of all drugs for which the employer will test,  
263 described by ~~brand name~~ or common name, as applicable, as well  
264 as by chemical name.

265 11. A statement regarding any applicable collective  
266 bargaining agreement or contract and the right to appeal to the  
267 Public Employees Relations Commission or applicable court.

268 12. A statement notifying employees and job applicants of  
269 their right to consult with a medical review officer for  
270 technical information regarding prescription or nonprescription  
271 medication.

272 (4) TYPES OF TESTING.—

273 (a) An employer is required to conduct the following types  
274 of drug tests:

275 1. Job applicant drug testing.—An employer must require job  
276 applicants to submit to a drug test and may use a refusal to  
277 submit to a drug test or a positive confirmed drug test as a  
278 basis for refusing to hire a job applicant.

279 2. Reasonable-suspicion drug testing.—An employer must  
280 require an employee to submit to reasonable-suspicion drug  
281 testing.

282 3. Routine fitness-for-duty drug testing.—An employer must  
283 require an employee to submit to a drug test if the test is  
284 conducted as part of a routinely scheduled employee fitness-for-  
285 duty medical examination that is part of the employer's  
286 established policy or that is scheduled routinely for all  
287 members of an employment classification or group.

288 4. Followup drug testing.—If the employee in the course of  
289 employment enters an employee assistance program for drug-  
290 related problems, or a drug rehabilitation program, the employer

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291 must require the employee to submit to a drug test as a followup  
292 to such program, unless the employee voluntarily entered the  
293 program. In those cases, the employer has the option to not  
294 require followup testing. If followup testing is required, it  
295 must be conducted at least 6 times in the first year, and may be  
296 conducted twice for 1 additional year ~~once a year for a 2-year~~  
297 ~~period~~ after completion of the program. Advance notice of a  
298 followup testing date must not be given to the employee to be  
299 tested.

300 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen  
301 collection and testing for drugs under this section shall be  
302 performed in accordance with the following procedures:

303 (b) Specimen collection must be documented, and the  
304 documentation procedures shall include the+

305 1. labeling of specimen containers so as to reasonably  
306 preclude the likelihood of erroneous identification of test  
307 results. For saliva or breath alcohol testing, a specimen  
308 container is not required if the specimen is not being  
309 transported to a laboratory for analysis

310 2. ~~A form for the employee or job applicant to provide any~~  
311 ~~information he or she considers relevant to the test, including~~  
312 ~~identification of currently or recently used prescription or~~  
313 ~~nonprescription medication or other relevant medical~~  
314 ~~information. The form must provide notice of the most common~~  
315 ~~medications by brand name or common name, as applicable, as well~~  
316 ~~as by chemical name, which may alter or affect a drug test. The~~  
317 ~~providing of information shall not preclude the administration~~  
318 ~~of the drug test, but shall be taken into account in~~  
319 ~~interpreting any positive confirmed test result.~~

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320 (c) Specimen collection, storage, and transportation to a  
321 laboratory ~~the testing site~~ shall be performed in a manner that  
322 reasonably precludes contamination or adulteration of specimens.

323 (d) Each confirmation test conducted under this section,  
324 not including the taking or collecting of a specimen to be  
325 tested, shall be conducted by a licensed or certified laboratory  
326 as described in subsection (10) ~~(9)~~.

327 (e) A specimen for a drug test may be taken or collected by  
328 any person who meets the qualification standards for urine or  
329 oral fluid specimen collection as specified by the United States  
330 Department of Health and Human Services or the United States  
331 Department of Transportation. For alcohol testing, a person must  
332 meet the United States Department of Transportation standards  
333 for a screening test technician or a breath alcohol technician.  
334 A hair specimen may be collected and packaged by a person who  
335 has been trained and certified by a drug-testing laboratory. A  
336 person who directly supervises an employee subject to testing  
337 may not serve as the specimen collector for that employee unless  
338 there is no other qualified specimen collector available ~~of the~~  
339 ~~following persons:~~

340 1. ~~A physician, a physician assistant, a registered~~  
341 ~~professional nurse, a licensed practical nurse, or a nurse~~  
342 ~~practitioner or a certified paramedic who is present at the~~  
343 ~~scene of an accident for the purpose of rendering emergency~~  
344 ~~medical service or treatment.~~

345 2. ~~A qualified person employed by a licensed or certified~~  
346 ~~laboratory as described in subsection (9).~~

347 (f) A person who collects or takes a specimen for a drug  
348 test shall collect an amount sufficient for two independent drug

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349 tests, one to screen the specimen and one for confirmation of  
350 the screening test results, at a laboratory as determined by the  
351 Agency for Health Care Administration.

352 (g) Every specimen that produces a positive, confirmed test  
353 result shall be preserved by the licensed or certified  
354 laboratory that conducted the confirmation test for a period of  
355 at least 1 year after the confirmation test was conducted ~~210~~  
356 ~~days after the result of the test was mailed or otherwise~~  
357 ~~delivered to the medical review officer.~~ However, if an employee  
358 or job applicant undertakes an administrative or legal challenge  
359 to the test result, the employee or job applicant shall notify  
360 the laboratory and the sample shall be retained by the  
361 laboratory until the case or administrative appeal is settled.  
362 During the 60-day ~~180-day~~ period after written notification of a  
363 positive test result, the employee or job applicant who has  
364 provided the specimen shall be permitted by the employer to have  
365 a portion of the specimen retested, at the employee's or job  
366 applicant's expense, at another laboratory, licensed and  
367 approved by the Agency for Health Care Administration, chosen by  
368 the employee or job applicant. The second laboratory must test  
369 the specimen at the limit of detection for the drug or analyte  
370 confirmed by the original ~~at equal or greater sensitivity for~~  
371 ~~the drug in question as the first~~ laboratory. If the drug or  
372 analyte is detected by the second laboratory, the result shall  
373 be reported as reconfirmed positive. The first laboratory that  
374 performed the test for the employer is responsible for the  
375 transfer of the portion of the specimen to be retested, and for  
376 the integrity of the chain of custody during such transfer.

377 (h) Within 5 working days after receipt of a positive

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378 ~~verified confirmed~~ test result from the medical review officer,  
379 an employer shall inform an employee or job applicant in writing  
380 of such positive test result, the consequences of such results,  
381 and the options available to the employee or job applicant. The  
382 employer shall provide to the employee or job applicant, upon  
383 request, a copy of the test results.

384 ~~(j) The employee's or job applicant's explanation or~~  
385 ~~challenge of the positive test result is unsatisfactory to the~~  
386 ~~employer, a written explanation as to why the employee's or job~~  
387 ~~applicant's explanation is unsatisfactory, along with the report~~  
388 ~~of positive result, shall be provided by the employer to the~~  
389 ~~employee or job applicant; and All such documentation of a~~  
390 positive test shall be kept confidential by the employer  
391 pursuant to subsection (8) and shall be retained by the employer  
392 for at least 1 year.

393 (k) An employer may not discharge, discipline, refuse to  
394 hire, discriminate against, or request or require rehabilitation  
395 of an employee or job applicant on the sole basis of a positive  
396 test result that has not been reviewed and verified by a  
397 ~~confirmation test and by a medical review officer, except when a~~  
398 confirmed positive breath alcohol test was conducted in  
399 accordance with United States Department of Transportation  
400 alcohol testing procedures.

401 (l) An employer that performs drug testing or specimen  
402 collection shall use chain-of-custody procedures established by  
403 the Agency for Health Care Administration, the United States  
404 Department of Health and Human Services, or the United States  
405 Department of Transportation to ensure proper recordkeeping,  
406 handling, labeling, and identification of all specimens tested.

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407 (6) CONFIRMATION TESTING.—

408 (a) ~~If an initial drug test is negative, the employer may~~  
409 ~~in its sole discretion seek a confirmation test.~~

410 ~~(b) Only licensed or certified laboratories as described in~~  
411 ~~subsection (9) may conduct confirmation drug tests.~~

412 ~~(c)~~ All laboratory positive initial tests on a urine, oral  
413 fluid, blood, or hair specimen shall be confirmed using gas  
414 chromatography/mass spectrometry (GC/MS) or an equivalent or  
415 more accurate scientifically accepted method approved by the  
416 United States Department of Health and Human Services or the  
417 United States Department of Transportation Agency for Health  
418 Care Administration or the United States Food and Drug  
419 Administration as such technology becomes available in a cost-  
420 effective form.

421 ~~(b)(d)~~ If a ~~an~~ initial drug test of an employee or job  
422 applicant is confirmed by the laboratory as positive, the  
423 employer's medical review officer shall provide technical  
424 assistance to the employer and to the employee or job applicant  
425 for the purpose of interpreting the test result to determine  
426 whether the result could have been caused by prescription or  
427 nonprescription medication taken by the employee or job  
428 applicant.

429 (c) For a breath alcohol test, an initial positive result  
430 shall be confirmed by a second breath specimen taken and tested  
431 using an evidential breath testing device listed on the  
432 conforming products list issued by the National Highway Traffic  
433 Safety Administration and conducted in accordance with United  
434 States Department of Transportation alcohol testing procedures  
435 authorized under 49 C.F.R. part 40, subparts J through M.

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436 (7) EMPLOYER PROTECTION.—

437 (a) An employee or job applicant whose drug test result is  
438 confirmed or verified as positive in accordance with this  
439 section shall not, by virtue of the result alone, be deemed to  
440 have a "handicap" or "disability" as defined under federal,  
441 state, or local handicap and disability discrimination laws.

442 (9) DRUG-TESTING STANDARDS; SAMPLE VALIDITY PRESCREENING.—

443 Before a drug-testing facility licensed under part II of chapter  
444 408 may perform any drug screening test on a urine specimen  
445 collected in this state, prescreening tests must be performed to  
446 determine the validity of the specimen. The prescreening tests  
447 must be capable of detecting, or detecting and defeating, novel  
448 or emerging urine drug-testing subversion technologies as  
449 described in this subsection.

450 (a) The drug-testing facility shall use urine sample  
451 validity screening tests that meet all of the following  
452 criteria:

453 1. A urine sample validity screening test for creatinine  
454 must use a 20 mg/dL cutoff concentration and must have minimal  
455 interferences from bilirubin and blood in the urine. The urine  
456 sample validity screening test must be able to discriminate  
457 between a creatinine level from an unadulterated urine sample  
458 and a creatinine level arising from overhydration or creatine or  
459 protein loading.

460 2. A urine sample validity screening test for oxidants must  
461 be able to detect the presence or effects of oxidant adulterants  
462 up to 6 days after sample collection, under the sample storage  
463 conditions outlined in the laboratory standards guideline  
464 adopted by rule by the Agency for Health Care Administration,



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465 and after any sample transport that is routinely involved.

466 3. Urine sample validity screening tests must be able to  
467 detect synthetic or freeze-dried urine substituted for the  
468 donor's urine for drug testing.

469 4. Urine sample validity screening tests must be validated  
470 for the detection of all of the additional adulterant classes  
471 represented by glutaraldehyde, salt, heavy metals, cationic  
472 detergents, protease, strong alkaline buffers, and strong acidic  
473 buffers. The detection limits of these classes must be at a  
474 sufficient level to detect a nonphysiologic sample or  
475 interference with enzyme immunoassay drug-screening tests.

476 (b) The drug-testing facility may only use urine sample  
477 validity screening tests that have undergone validation studies  
478 conducted by the manufacturer to document the product's  
479 conformance to the requirements of this subsection.

480 (c) A drug-testing facility may rely on urine sample  
481 validity screening tests to determine if confirmation testing is  
482 required for any urine sample that has been deemed invalid for  
483 drug screening.

484 (d) Urine specimens collected in this state may not be sent  
485 for drug-screening tests to a drug-testing facility located  
486 outside of this state unless such drug testing facility complies  
487 with all requirements of this subsection.

488 (e) The Agency for Health Care Administration shall adopt  
489 rules necessary for the implementation and enforcement of this  
490 subsection.

491 (10)-(9) DRUG-TESTING STANDARDS FOR LABORATORIES.-

492 (b) A laboratory may analyze initial or confirmation test  
493 specimens only if:

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494 1. The laboratory obtains a license under part II of  
495 chapter 408 and s. 112.0455(18) ~~s. 112.0455(17)~~. Each applicant  
496 for licensure and each licensee must comply with all  
497 requirements of this section, part II of chapter 408, and  
498 applicable rules.

499 2. The laboratory has written procedures to ensure the  
500 chain of custody.

501 3. The laboratory follows proper quality control  
502 procedures, including, but not limited to:

503 a. The use of internal quality controls, including the use  
504 of samples of known concentrations which are used to check the  
505 performance and calibration of testing equipment, and periodic  
506 use of blind samples for overall accuracy.

507 b. An internal review and certification process for drug  
508 test results, conducted by a person qualified to perform that  
509 function in the testing laboratory.

510 c. Security measures implemented by the testing laboratory  
511 to preclude adulteration of specimens and drug test results.

512 d. Other necessary and proper actions taken to ensure  
513 reliable and accurate drug test results.

514 (c) A laboratory shall disclose to the medical review  
515 officer a written positive confirmed test result report within 7  
516 working days after receipt of the sample. All laboratory reports  
517 of a drug test result must, at a minimum, state:

518 1. The name and address of the laboratory that performed  
519 the test and the positive identification of the person tested.

520 2. Positive results on confirmation tests only, or negative  
521 results, as applicable.

522 3. A list of the drugs for which the drug analyses were

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523 conducted.

524 4. The type of tests conducted for both initial tests and  
525 confirmation tests and the minimum cutoff levels of the tests.

526 ~~5. Any correlation between medication reported by the~~  
527 ~~employee or job applicant pursuant to subparagraph (5)(b)2. and~~  
528 ~~a positive confirmed drug test result.~~

529

530 A report must not disclose the presence or absence of any drug  
531 other than a specific drug and its metabolites listed pursuant  
532 to this section.

533 Section 3. Paragraph (b) of subsection (11) of section  
534 443.101, Florida Statutes, is amended to read:

535 443.101 Disqualification for benefits.—An individual shall  
536 be disqualified for benefits:

537 (11) If an individual is discharged from employment for  
538 drug use as evidenced by a positive, confirmed drug test as  
539 provided in paragraph (1)(d), or is rejected for offered  
540 employment because of a positive, confirmed drug test as  
541 provided in paragraph (2)(c), test results and chain of custody  
542 documentation provided to the employer by a licensed and  
543 approved drug-testing laboratory is self-authenticating and  
544 admissible in reemployment assistance hearings, and such  
545 evidence creates a rebuttable presumption that the individual  
546 used, or was using, controlled substances, subject to the  
547 following conditions:

548 (b) Only laboratories licensed and approved as provided in  
549 s. 440.102(10) ~~s. 440.102(9)~~, or as provided by equivalent or  
550 more stringent licensing requirements established by federal law  
551 or regulation may perform the drug tests.

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Section 4. This act shall take effect July 1, 2019.