

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 the specimens' validity;
6 specifying requirements for such tests; authorizing
7 such facilities to rely on such tests to determine if
8 confirmation testing is required; providing that urine
9 specimens may not be sent to an out-of-state facility
10 unless the facility complies with certain
11 requirements; authorizing the Agency for Health Care
12 Administration to adopt rules; conforming cross-
13 references; amending s. 440.102, F.S.; revising
14 definitions; revising information required in a
15 written policy statement provided to employees and job
16 applicants before drug testing; revising procedures
17 for specimen collection, testing, and preservation;
18 revising qualifications for persons who may take or
19 collect specimens for a drug test; revising
20 requirements and procedures for retesting specimens;
21 deleting and revising confidentiality requirements for
22 employers relating to certain information; revising
23 circumstances under which an employer may take certain
24 actions as to an employee or a job applicant on the
25 sole basis of certain positive test results; revising

26 standards for chain-of-custody procedures; revising
27 requirements and authorized actions relating to
28 confirmation testing; requiring licensed drug-testing
29 facilities to perform prescreening tests on urine
30 specimens to determine the specimens' validity;
31 specifying requirements for such tests; authorizing
32 such facilities to rely on such tests to determine if
33 confirmation testing is required; providing that urine
34 specimens may not be sent to an out-of-state facility
35 unless the facility complies with certain
36 requirements; authorizing the agency to adopt rules;
37 conforming provisions to changes made by the act;
38 amending s. 443.101, F.S.; conforming a cross-
39 reference; providing an effective date.

40
41 WHEREAS, the State of Florida has a profound interest in
42 the health and welfare of its citizens, and

43 WHEREAS, new and emerging drug-testing subversion
44 technologies represent a significant threat to the ability to
45 properly identify those suffering from addiction and drug abuse,
46 and

47 WHEREAS, the Legislature, therefore, seeks to require urine
48 sample validity testing, such that those persons being tested
49 can be properly and promptly identified for referral to drug
50 treatment programs and other health care services, NOW,

51 THEREFORE,

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Present subsections (13) through (17) of
56 section 112.0455, Florida Statutes, are redesignated as
57 subsections (14) through (18), respectively, a new subsection
58 (13) is added to that section, and paragraph (b) of subsection
59 (6) and paragraph (a) of present subsection (15) are amended, to
60 read:

61 112.0455 Drug-Free Workplace Act.—

62 (6) NOTICE TO EMPLOYEES.—

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

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

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

71 b. The actions the employer may take against an employee
72 or job applicant on the basis of a positive confirmed drug test
73 result.

74 2. A statement advising the employee or job applicant of
75 the existence of this section.

- 76 3. A general statement concerning confidentiality.
- 77 4. Procedures for employees and job applicants to
- 78 confidentially report the use of prescription or nonprescription
- 79 medications both before and after being tested. Additionally,
- 80 employees and job applicants shall receive notice of the most
- 81 common medications by brand name or common name, as applicable,
- 82 as well as by chemical name, which may alter or affect a drug
- 83 test. A list of such medications shall be developed by the
- 84 Agency for Health Care Administration.
- 85 5. The consequences of refusing to submit to a drug test.
- 86 6. Names, addresses, and telephone numbers of employee
- 87 assistance programs and local alcohol and drug rehabilitation
- 88 programs.
- 89 7. A statement that an employee or job applicant who
- 90 receives a positive confirmed drug test result may contest or
- 91 explain the result to the employer within 5 working days after
- 92 written notification of the positive test result. If an employee
- 93 or job applicant's explanation or challenge is unsatisfactory to
- 94 the employer, the person may contest the drug test result as
- 95 provided by subsections (15) ~~(14)~~ and (16) ~~(15)~~.
- 96 8. A statement informing the employee or job applicant of
- 97 his or her responsibility to notify the laboratory of any
- 98 administrative or civil actions brought pursuant to this
- 99 section.
- 100 9. A list of all drugs for which the employer will test,

101 described by brand names or common names, as applicable, as well
102 as by chemical names.

103 10. A statement regarding any applicable collective
104 bargaining agreement or contract and the right to appeal to the
105 Public Employees Relations Commission.

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

110 (13) DRUG-TESTING STANDARDS; SAMPLE VALIDITY
111 PRESCREENING.—Before a drug-testing facility licensed under part
112 II of chapter 408 may perform any drug-screening test on a urine
113 specimen collected in this state, prescreening tests must be
114 performed to determine the validity of the specimen. The
115 prescreening tests must be capable of detecting, or detecting
116 and defeating, novel or emerging urine drug-testing subversion
117 technologies as described in this subsection.

118 (a) The drug-testing facility shall use urine sample
119 validity screening tests that meet all of the following
120 criteria:

121 1. A urine sample validity screening test for creatinine
122 must use a 20 mg/dL cutoff concentration and must have minimal
123 interferences from bilirubin and blood in the urine. The urine
124 sample validity screening test must be able to discriminate
125 between a creatinine level from an unadulterated urine sample

126 and a creatinine level arising from overhydration or creatine or
127 protein loading.

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

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

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

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

149 (c) A drug-testing facility may rely on urine sample
150 validity screening tests to determine if confirmation testing is

151 required for any urine sample that has been deemed invalid for
152 drug screening.

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

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

160 (16)~~(15)~~ NONDISCIPLINE REMEDIES.-

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

168 1. An order restraining the continued violation of this
169 section.

170 2. An award of the costs of litigation, expert witness
171 fees, reasonable attorney ~~attorney's~~ fees, and noneconomic
172 damages provided that damages shall be limited to the recovery
173 of damages directly resulting from injury or loss caused by each
174 violation of this section.

175 Section 2. Present subsections (9) through (15) of section

176 440.102, Florida Statutes, are redesignated as subsections (10)
 177 through (16), respectively, a new subsection (9) is added to
 178 that section, and paragraphs (c), (e), and (q) of subsection
 179 (1), paragraph (a) of subsection (3), paragraphs (b) through
 180 (h), (j), (k), and (l) of subsection (5), subsection (6),
 181 paragraph (a) of subsection (7), and paragraphs (b) and (c) of
 182 present subsection (9) of that section are amended, to read:

183 440.102 Drug-free workplace program requirements.—The
 184 following provisions apply to a drug-free workplace program
 185 implemented pursuant to law or to rules adopted by the Agency
 186 for Health Care Administration:

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

189 (c) "Drug" means any form of alcohol, as defined in s.
 190 322.01(2), including a distilled spirit, wine, a malt beverage,
 191 or an intoxicating preparation; any controlled substance
 192 identified under Schedule I, Schedule II, Schedule III, Schedule
 193 IV, or Schedule V of s. 893.03; any controlled substance
 194 identified under Schedule I, Schedule II, Schedule III, Schedule
 195 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.
 196 812(c) ~~liquor; an amphetamine; a cannabinoid; cocaine;~~
 197 ~~phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a~~
 198 ~~barbiturate; a benzodiazepine; a synthetic narcotic; a designer~~
 199 ~~drug;~~ or a metabolite of any of the substances listed in this
 200 paragraph. An employer may test an individual for any or all ~~of~~

201 such drugs.

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

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

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

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

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

224 a. The types of drug testing an employee or job applicant
 225 may be required to submit to, including reasonable-suspicion

226 drug testing or drug testing conducted on any other basis.

227 b. The actions the employer may take against an employee
228 or job applicant on the basis of a positive confirmed drug test
229 result.

230 2. A statement advising the employee or job applicant of
231 the existence of this section.

232 3. A general statement concerning confidentiality.

233 4. Procedures for employees and job applicants to
234 confidentially report to a medical review officer the use of
235 prescription or nonprescription medications ~~to a medical review~~
236 ~~officer both before and after being tested.~~

237 5. A list of the most common medications, by brand name or
238 common name, as applicable, as well as by chemical name, which
239 may alter or affect a drug test. A list of such medications as
240 developed by the Agency for Health Care Administration shall be
241 available to employers through the department.

242 6. The consequences of refusing to submit to a drug test.

243 7. A representative sampling of names, addresses, and
244 telephone numbers of employee assistance programs and local drug
245 rehabilitation programs.

246 8. A statement that an employee or job applicant who
247 receives a positive confirmed test result may contest or explain
248 the result to the medical review officer within 5 working days
249 after receiving written notification of the test result; that if
250 an employee's or job applicant's explanation or challenge is

251 | unsatisfactory to the medical review officer, the medical review
 252 | officer shall report a positive test result back to the
 253 | employer; and that a person may contest the drug test result
 254 | pursuant to law or to rules adopted by the Agency for Health
 255 | Care Administration.

256 | 9. A statement informing the employee or job applicant of
 257 | his or her responsibility to notify the laboratory of any
 258 | administrative or civil action brought pursuant to this section.

259 | 10. A list of all drugs for which the employer will test,
 260 | described by ~~brand name or~~ common name, as applicable, as well
 261 | as by chemical name.

262 | 11. A statement regarding any applicable collective
 263 | bargaining agreement or contract and the right to appeal to the
 264 | Public Employees Relations Commission or applicable court.

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

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

272 | (b) Specimen collection must be documented, and the
 273 | documentation procedures shall include the+

274 | ~~1.~~ labeling of specimen containers so as to reasonably
 275 | preclude the likelihood of erroneous identification of test

276 results. For saliva or breath alcohol testing, a specimen
277 container is not required if the specimen is not being
278 transported to a laboratory for analysis

279 ~~2. A form for the employee or job applicant to provide any~~
280 ~~information he or she considers relevant to the test, including~~
281 ~~identification of currently or recently used prescription or~~
282 ~~nonprescription medication or other relevant medical~~
283 ~~information. The form must provide notice of the most common~~
284 ~~medications by brand name or common name, as applicable, as well~~
285 ~~as by chemical name, which may alter or affect a drug test. The~~
286 ~~providing of information shall not preclude the administration~~
287 ~~of the drug test, but shall be taken into account in~~
288 ~~interpreting any positive confirmed test result.~~

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

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

296 (e) A specimen for a drug test may be taken or collected
297 by any person who meets the qualification standards for urine or
298 oral fluid specimen collection as specified by the United States
299 Department of Health and Human Services or the United States
300 Department of Transportation. For alcohol testing, a person must

301 meet the United States Department of Transportation standards
302 for a screening test technician or a breath alcohol technician.
303 A hair specimen may be collected and packaged by a person who
304 has been trained and certified by a drug-testing laboratory. A
305 person who directly supervises an employee subject to testing
306 may not serve as the specimen collector for that employee unless
307 there is no other qualified specimen collector available ~~of the~~
308 ~~following persons:~~

309 ~~1. A physician, a physician assistant, a registered~~
310 ~~professional nurse, a licensed practical nurse, or a nurse~~
311 ~~practitioner or a certified paramedic who is present at the~~
312 ~~scene of an accident for the purpose of rendering emergency~~
313 ~~medical service or treatment.~~

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

316 (f) A person who collects or takes a specimen for a drug
317 test shall collect an amount sufficient for two independent drug
318 tests, one to screen the specimen and one for confirmation of
319 the screening test results, at a laboratory as determined by the
320 Agency for Health Care Administration.

321 (g) Every specimen that produces a positive, confirmed
322 test result shall be preserved by the licensed or certified
323 laboratory that conducted the confirmation test for a period of
324 at least 1 year after the confirmation test was conducted ~~210~~
325 ~~days after the result of the test was mailed or otherwise~~

326 ~~delivered to the medical review officer.~~ However, if an employee
327 or job applicant undertakes an administrative or legal challenge
328 to the test result, the employee or job applicant shall notify
329 the laboratory and the sample shall be retained by the
330 laboratory until the case or administrative appeal is settled.
331 During the 60-day ~~180-day~~ period after written notification of a
332 positive test result, the employee or job applicant who has
333 provided the specimen shall be permitted by the employer to have
334 a portion of the specimen retested, at the employee's or job
335 applicant's expense, at another laboratory, licensed and
336 approved by the Agency for Health Care Administration, chosen by
337 the employee or job applicant. The second laboratory must test
338 the specimen at the limit of detection for the drug or analyte
339 confirmed by the original ~~at equal or greater sensitivity for~~
340 ~~the drug in question as the first~~ laboratory. If the drug or
341 analyte is detected by the second laboratory, the result must be
342 reported as reconfirmed positive. The first laboratory that
343 performed the test for the employer is responsible for the
344 transfer of the portion of the specimen to be retested, and for
345 the integrity of the chain of custody during such transfer.

346 (h) Within 5 working days after receipt of a positive
347 verified ~~confirmed~~ test result from the medical review officer,
348 an employer shall inform an employee or job applicant in writing
349 of such positive test result, the consequences of such result
350 ~~results~~, and the options available to the employee or job

351 applicant. The employer shall provide to the employee or job
352 applicant, upon request, a copy of the test results.

353 ~~(j) The employee's or job applicant's explanation or~~
354 ~~challenge of the positive test result is unsatisfactory to the~~
355 ~~employer, a written explanation as to why the employee's or job~~
356 ~~applicant's explanation is unsatisfactory, along with the report~~
357 ~~of positive result, shall be provided by the employer to the~~
358 ~~employee or job applicant; and All such documentation of a~~
359 positive test shall be kept confidential by the employer
360 pursuant to subsection (8) and shall be retained by the employer
361 for at least 1 year.

362 (k) An employer may not discharge, discipline, refuse to
363 hire, discriminate against, or request or require rehabilitation
364 of an employee or job applicant on the sole basis of a positive
365 test result that has not been reviewed and verified by a
366 ~~confirmation test and by~~ a medical review officer, except when a
367 confirmed positive breath alcohol test was conducted in
368 accordance with United States Department of Transportation
369 alcohol testing procedures.

370 (l) An employer that performs drug testing or specimen
371 collection shall use chain-of-custody procedures established by
372 the Agency for Health Care Administration, the United States
373 Department of Health and Human Services, or the United States
374 Department of Transportation to ensure proper recordkeeping,
375 handling, labeling, and identification of all specimens tested.

376 (6) CONFIRMATION TESTING.—
 377 (a) ~~If an initial drug test is negative, the employer may~~
 378 ~~in its sole discretion seek a confirmation test.~~
 379 ~~(b) Only licensed or certified laboratories as described~~
 380 ~~in subsection (9) may conduct confirmation drug tests.~~
 381 ~~(c)~~ All laboratory positive initial tests on a urine, oral
 382 fluid, blood, or hair specimen shall be confirmed using gas
 383 chromatography/mass spectrometry (GC/MS) or an equivalent or
 384 more accurate scientifically accepted method approved by the
 385 United States Department of Health and Human Services or the
 386 United States Department of Transportation Agency for Health
 387 Care Administration or the United States Food and Drug
 388 Administration as such technology becomes available in a cost-
 389 effective form.
 390 ~~(b)(d)~~ If a ~~an initial~~ drug test of an employee or job
 391 applicant is confirmed by the laboratory as positive, the
 392 employer's medical review officer shall provide technical
 393 assistance to the employer and to the employee or job applicant
 394 for the purpose of interpreting the test result to determine
 395 whether the result could have been caused by prescription or
 396 nonprescription medication taken by the employee or job
 397 applicant.
 398 (c) For a breath alcohol test, an initial positive result
 399 must be confirmed by a second breath specimen taken and tested
 400 using an evidential breath testing device listed on the

401 conforming products list issued by the National Highway Traffic
402 Safety Administration and conducted in accordance with United
403 States Department of Transportation alcohol testing procedures
404 authorized under 49 C.F.R. part 40, subparts J through M.

405 (7) EMPLOYER PROTECTION.—

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

411 (9) DRUG-TESTING STANDARDS; SAMPLE VALIDITY PRESCREENING.—
412 Before a drug-testing facility licensed under part II of chapter
413 408 may perform any drug-screening test on a urine specimen
414 collected in this state, prescreening tests must be performed to
415 determine the validity of the specimen. The prescreening tests
416 must be capable of detecting, or detecting and defeating, novel
417 or emerging urine drug-testing subversion technologies as
418 described in this subsection.

419 (a) The drug-testing facility shall use urine sample
420 validity screening tests that meet all of the following
421 criteria:

422 1. A urine sample validity screening test for creatinine
423 must use a 20 mg/dL cutoff concentration and must have minimal
424 interferences from bilirubin and blood in the urine. The urine
425 sample validity screening test must be able to discriminate

426 between a creatinine level from an unadulterated urine sample
427 and a creatinine level arising from overhydration or creatine or
428 protein loading.

429 2. A urine sample validity screening test for oxidants
430 must be able to detect the presence or effects of oxidant
431 adulterants up to 6 days after sample collection, under the
432 sample storage conditions outlined in the laboratory standards
433 guideline adopted by rule by the Agency for Health Care
434 Administration, and after any sample transport that is routinely
435 involved.

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

439 4. Urine sample validity screening tests must be validated
440 for the detection of all of the additional adulterant classes
441 represented by glutaraldehyde, salt, heavy metals, cationic
442 detergents, protease, strong alkaline buffers, and strong acidic
443 buffers. The detection limits of these classes must be at a
444 sufficient level to detect a nonphysiologic sample or
445 interference with enzyme immunoassay drug-screening tests.

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

450 (c) A drug-testing facility may rely on urine sample

451 validity screening tests to determine if confirmation testing is
452 required for any urine sample that has been deemed invalid for
453 drug screening.

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

458 (e) The Agency for Health Care Administration shall adopt
459 rules necessary for the implementation and enforcement of this
460 subsection.

461 (10)-(9) DRUG-TESTING STANDARDS FOR LABORATORIES.-

462 (b) A laboratory may analyze initial or confirmation test
463 specimens only if:

464 1. The laboratory obtains a license under part II of
465 chapter 408 and s. 112.0455(18) ~~s. 112.0455(17)~~. Each applicant
466 for licensure and each licensee must comply with all
467 requirements of this section, part II of chapter 408, and
468 applicable rules.

469 2. The laboratory has written procedures to ensure the
470 chain of custody.

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

473 a. The use of internal quality controls, including the use
474 of samples of known concentrations which are used to check the
475 performance and calibration of testing equipment, and periodic

476 use of blind samples for overall accuracy.

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

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

482 d. Other necessary and proper actions taken to ensure
483 reliable and accurate drug test results.

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

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

490 2. Positive results on confirmation tests only, or
491 negative results, as applicable.

492 3. A list of the drugs for which the drug analyses were
493 conducted.

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

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

499
500 A report must not disclose the presence or absence of any drug

501 other than a specific drug and its metabolites listed pursuant
502 to this section.

503 Section 3. Paragraph (b) of subsection (11) of section
504 443.101, Florida Statutes, is amended to read:

505 443.101 Disqualification for benefits.—An individual shall
506 be disqualified for benefits:

507 (11) If an individual is discharged from employment for
508 drug use as evidenced by a positive, confirmed drug test as
509 provided in paragraph (1)(d), or is rejected for offered
510 employment because of a positive, confirmed drug test as
511 provided in paragraph (2)(c), test results and chain of custody
512 documentation provided to the employer by a licensed and
513 approved drug-testing laboratory is self-authenticating and
514 admissible in reemployment assistance hearings, and such
515 evidence creates a rebuttable presumption that the individual
516 used, or was using, controlled substances, subject to the
517 following conditions:

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

522 Section 4. This act shall take effect July 1, 2020.