
A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 329B-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "substance abuse on-site
3 screening test" to read as follows:

4 "Substance abuse on-site screening test" means a portable
5 substance abuse test that meets:

6 (1) Meets the requirements of the United States Food and
7 Drug Administration for commercial distribution; or

8 (2) Is manufactured in a facility licensed by the United
9 States Food and Drug Administration, and may be used
10 for forensic testing as a workplace testing device;

11 and is approved by the director [~~for such pre-employment~~
12 ~~screening~~]."

13 SECTION 2. Section 329B-5.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§329B-5.5[+] **Substance abuse on-site screening tests,**
16 **testing procedures, and confidentiality.** The substance abuse
17 on-site screening test shall be administered for pre-employment



1 purposes only according to the instructions of the manufacturer
2 and this section:

3 (1) Every employer using a substance abuse on-site
4 screening test for pre-employment screening shall
5 administer the test according to the United States
6 Food and Drug Administration package insert that
7 accompanies the substance abuse test~~[7]~~; provided that
8 if there is no United States Food and Drug
9 Administration package insert, then the test shall be
10 administered according to the package insert that
11 accompanies the substance abuse test that is
12 manufactured in a facility licensed by the United
13 States Food and Drug Administration; provided further
14 that manufacturers may apply to the department for
15 interim approval while pursuing Food and Drug
16 Administration approval and shall adhere to any
17 applicable on-site screening drug test guidelines
18 adopted by the United States Food and Drug
19 Administration. Any on-site screening test shall also
20 be approved by the director [~~for such pre-employment~~
21 ~~screening~~];



- 1 (2) Every employer using a substance abuse on-site
2 screening test for pre-employment screening shall
3 adhere to the rules adopted pursuant to section 329B-8
4 pertaining to specimen collection, urine specimen,
5 shipping of specimens, chain of custody, and
6 confidentiality that may be applicable to on-site drug
7 testing; provided that employers are authorized to
8 drug test applicants and unions are authorized to drug
9 test members;
- 10 (3) If a substance abuse on-site screening test obtains a
11 test result that indicates the presence of drugs,
12 alcohol, or the metabolites of drugs; and if the test
13 result may be used to deny or deprive a person of
14 employment or any benefit, or may otherwise result in
15 an adverse action being taken against the person, then
16 the same sample that produced the test result shall be
17 submitted for a confirmatory test to a testing
18 laboratory licensed or approved by the department in
19 accordance with this chapter. A positive confirmatory
20 test shall be reviewed by a medical review officer
21 licensed by the department in accordance with this
22 chapter; and



1 (4) The operator who administers the substance abuse on-
2 site screening test shall have been trained in the use
3 and administering of the on-site screening test by the
4 manufacturer of the on-site screening test or the
5 manufacturer's designee."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2050,
9 and shall be repealed on January 1, 2012.



REPORT Title:

Substance Abuse Testing

Description:

Amends definition of "substance abuse on-site screening test" to include tests used for forensic testing as a workplace testing device. Requires that substance abuse testing be conducted according to the manufacturer's package insert, as an alternative to the Food and Drug Administration insert if there is no FDA insert. (SB1636 HD1)

