

SENATE BILL NO. 196

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 1/18/24

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to drug and alcohol testing by employers."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 23.10.620(c) is amended to read:

4 (c) An employer may require the collection and testing of a sample of an
5 employee's or prospective employee's urine, oral fluid, or breath for any job-related
6 purpose consistent with business necessity and the terms of the employer's policy,
7 including

8 (1) investigation of possible individual employee impairment;

9 (2) investigation of accidents in the workplace; an employee may be
10 required to undergo drug testing or alcohol impairment testing for an accident if the
11 test is taken as soon as practicable after an accident and the test is administered to
12 employees who the employer reasonably believes may have contributed to the
13 accident;

14 (3) maintenance of safety for employees, customers, clients, or the
15 public at large;

1 (4) maintenance of productivity, the quality of products or services, or
2 security of property or information;

3 (5) reasonable suspicion that an employee may be affected by the use
4 of drugs or alcohol and that the use may adversely affect the job performance or the
5 work environment.

6 * **Sec. 2.** AS 23.10.630(b) is amended to read:

7 (b) In order to test reliably, an employer may require an employee or
8 prospective employee to provide a sample of the individual's urine, **oral fluid**, or
9 breath and to present reliable individual identification to the person collecting the
10 sample. Collection of the sample must conform to the requirements of AS 23.10.600 -
11 23.10.699. The employer may designate the type of sample to be used for testing.

12 * **Sec. 3.** AS 23.10.699(9) is amended to read:

13 (9) "sample" means urine, **oral fluid**, or breath from the person being
14 tested.