



ALASKA STATE LEGISLATURE

SENATE LABOR & COMMERCE COMMITTEE

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SB 196 Employer Drug and Alcohol Testing

Ver. A Sponsor Statement

Senate Bill 196 would add oral fluid, or saliva, to the statutory list of samples an employer may collect from an employee for drug and alcohol testing. While an employer could already choose to collect an oral fluid sample instead of a urine or breath sample, adding the collection of oral fluid in this section of statute protects the employer from legal claims related to drug or alcohol testing and subsequent employment actions.

Collecting urine or breath samples for job-related testing can have drawbacks. Using an oral fluid sample mitigates the challenges of these other methods. Collecting or testing a urine sample can require taking the time to travel to an off-site facility, and urine samples are susceptible to cheating unless the sample collection is observed by another person.

In contrast, oral fluid is collected with a swab, can be easily collected at the job site without needing a restroom, and can be certain to be from the employee without significantly invading their privacy. While urine tests provide evidence of the use of a drug over a longer window of time, oral fluid can show the presence of drugs in a person's system more quickly and at lower concentrations for some substances.

In addition to the lower barriers for collection and testing, oral fluid testing may be lower in cost for the employer than other methods. Together, these attributes could allow for more frequent testing leading to greater on-the-job safety for employees, their coworkers, and members of the public.

The United States Department of Transportation promulgated regulations in 2023 allowing employers to collect and test oral fluid samples for commercial driver's license holders, and requiring the use of oral fluid testing for transgender and non-binary people as same-gender observers are required for urine sample collections. Public comment on the regulations package suggests that the option for oral fluid testing will be very well received by employees in addition to the benefits it provides to employers.