



## Alaska Power Association

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February 28, 2024

Senators Jesse Bjorkman and Click Bishop  
Co-Chairs, Senate Labor and Commerce Committee  
Alaska State Capitol  
Juneau, AK 99801

Dear Co-Chairs Bjorkman and Bishop,

Thank you to the Senate Labor and Commerce Committee for sponsoring Senate Bill 196, which adds oral fluid testing to Alaska's drug and alcohol testing "safe harbor" law. Alaska Power Association (APA) fully supports this bill, and we urge its swift passage.

By passing this bill, employers who want to utilize oral fluid testing for drug testing will have the assurance that they will still be covered by Alaska's safe harbor law if they follow their drug and alcohol testing plans.

Alaska's safe harbor law for employer drug and alcohol testing (AS 23.10.600-23.10.699) protects employers from a wide range of legal claims related to employment drug and alcohol testing if the employer meets the law's requirements. To receive the protections of the safe harbor law, an employer must have a written drug and alcohol policy and initiate a testing program.

Senate Bill 196 will simply add oral fluid testing to the statute. The statute already covers urine testing for drugs and breath testing for alcohol. Oral fluid testing was not included in the original safe harbor law because it was written long before oral fluid testing became widely available. Oral fluid testing benefits employers because all samples are collected directly by a trained collector, thus reducing the risk of cheating. The privacy issues associated with collecting oral fluids are significantly easier to address than those associated with urine testing, both in terms of suitable test locations and the gender of the collector. Employees will benefit from a test that is less invasive of their privacy.

The oral fluid testing method is also advantageous to small, remote employers who may not have a drug and alcohol testing facility in their community. This will save time and money by allowing employers in those areas to confidently collect a saliva sample and send it off for testing. For rural employers without a testing facility in their area, it will be much easier to find trained saliva collectors than urine collectors. The logistics of arranging testing in the field will be easier too without the privacy issues that arise for urine testing.

Thank you again for your support of Senate Bill 196. APA stands ready to provide additional information if requested.

Sincerely,

Crystal Enkvist  
Executive Director



March 5, 2024

Senator Jesse Bjorkman, Chair  
Senate Labor and Commerce Committee

Re: Senate Bill 196, Employer Drug and Alcohol Testing

Dear Chair Bjorkman, and members of the Senate Labor and Commerce Committee,

The Alaska Chamber (the Chamber) writes in support of Senate Bill 196, an act relating to drug and alcohol testing by employers.

The Alaska Chamber was founded in 1953 and is Alaska's most diverse statewide business advocacy organization. Our mission is to promote a healthy business environment in Alaska. The Chamber has more than 700 members and represents businesses of all sizes and industries from across the state, directly representing 58,000 Alaskan workers and \$4.6 billion in wages.

Senate Bill 196 seeks to include oral fluid testing within Alaska's drug and alcohol testing "safe harbor" law. The current safe harbor law has played an important role in protecting employers from legal challenges related to drug and alcohol testing. The statute currently covers urine testing for drugs and breath testing for alcohol. However, since the policy was originally designed, significant advancements have been made in drug and alcohol testing, including the availability and refinement of oral fluid testing.

Oral fluid testing has been approved at the federal level and is widely used in other states. The Chamber believes adding oral fluid testing is a welcome and economically responsible step to update and enhance Alaska's safe harbor laws. Both employers and employees can benefit from the simplified collection process of saliva, as compared to blood and urine. The inclusion of oral fluid testing under the safe harbor law will allow employers more flexibility in their drug and alcohol testing programs. This small addition proposed by SB 196 provides consistency across jurisdictions.

Thank you for considering the Alaska Chamber's comments on this issue.

Sincerely,

A handwritten signature in black ink that reads 'Kati Capozzi'.

Kati Capozzi  
President and CEO



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# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 5, 2024

Submitted electronically via: [Senate.Labor.And.Commerce@akleg.gov](mailto:Senate.Labor.And.Commerce@akleg.gov)

Chair Senator Jesse Bjorkman and Vice Chair Senator Click Bishop  
Senate Labor and Commerce Committee  
Alaska State Legislature  
Juneau, Alaska

Re: Support for SB 196, "An Act relating to drug and alcohol testing by employers."

Dear Chair Senator Bjorkman, Vice Chair Senator Bishop and Members of the Senate Labor and Commerce Committee:

The Resource Development Council for Alaska (RDC) writes in support SB 196, an act relating to oral fluid drug and alcohol testing by employers.

RDC is a statewide, non-profit trade association founded in 1975. Our membership is comprised of individuals and companies from Alaska's fishing, tourism, forestry, mining, and oil and gas industries and includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

In May of 2023, the federal Department of Transportation (DOT) published a rule that will allow employers to use oral fluid testing for drug and alcohol testing requirements once the U.S. Department of Health and Human Services has certified at least two laboratories, though employees not holding a Commercial Driver's License (CDL) can be tested using oral fluid currently. This rule provides employers with the choice to use oral fluid testing, which can often be less intrusive, be collected more efficiently, and with less privacy concerns than traditional urine testing. This regulation rightly provides more options to employers, without restricting or requiring employers to provide oral fluids testing options to employees. Unfortunately, Alaska Statutes 23.10.600 – 23.10.699, which provide the "safe harbor" law for employer drug and alcohol testing, has not been updated to reflect the federal regulatory change. This means that employers may not be eligible for the legal protection provided under Alaska's Safe Harbor law if they make use of the national regulation allowing for oral fluid testing.

Many of RDC's membership organizations currently utilize the federal DOT oral fluid testing regulation and have realized the benefits it provides. SB 196 would seek to add oral fluid testing to Alaska's current Safe Harbor law, which would bring Alaska law into compliance with federal regulations and eliminate the current discrepancy between the laws that allows for the potential unfair litigation against employers.



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# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

This bill is a commonsense update to the state law and RDC urges your support for SB 196. Thank you for your consideration of these comments.

Sincerely,

Leila Kimbrell  
Executive Director



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# THE ALLIANCE

Linking Alaska's Resources to Alaska's People

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info@alaskaalliance.com

February 16, 2024

Senators Jesse Bjorkman and Click Bishop  
Co-Chairs, Senate Labor and Commerce Committee

Re: Alliance Support for Senate Bill 196

Co-Chairs Bjorkman and Bishop,

Please accept this letter on behalf of the 500+ members of the Alaska Support Industry Alliance who employ 35,000 people in the state of Alaska.

This is a letter of support for SB 196 – Employer Drug and Alcohol Testing.

As you both know, safety is the top priority for those working in the oil, gas, and mining industries. Drug and alcohol testing is a key component of every employers safety plan.

The simple addition of oral fluid testing to Alaska's drug and alcohol testing "safe harbor" law will strengthen the ability of employers to conduct drug testing effectively and efficiently.

Thank you for sponsoring this important legislation.

Sincerely,

Rebecca Logan  
CEO, Alaska Industry Support Alliance



ALASKA OIL & GAS ASSOCIATION  
People. Pride. Petroleum.

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***Kara Moriarty, President & CEO***

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March 5, 2024

The Honorable Senator Jesse Bjorkman  
Chair, Senate Labor and Commerce Committee  
Alaska State Capitol  
Juneau, Alaska 99801

RE: AOGA Support for SB 196 – Employer Drug and Alcohol Testing

Dear Chairman Bjorkman,

I'm writing to express the support of the Alaska Oil & Gas Association (AOGA) for Senate Bill 196 (SB 196), "An Act relating to drug and alcohol testing by employers."

SB196 seeks to include oral fluid testing within Alaska's drug and alcohol testing "safe harbor" law. The current safe harbor law has played an important role in protecting employers from legal challenges related to drug and alcohol testing. The statute currently covers urine testing for drugs and breath testing for alcohol. However, since the policy was originally designed, significant advancements have been made in drug and alcohol testing, including the availability and refinement of oral fluid testing.

AOGA believes adding oral fluid testing is a necessary step to update and enhance Alaska's safe harbor laws. Oral fluid testing has been approved at the federal level and is widely used in other states. The simple addition to the Alaska Statute, proposed by SB 196 provides needed consistency across jurisdiction.

Furthermore, as the trade association representing the majority of oil and gas companies exploring, developing, producing, transporting, marketing, and refining in our state, many of our members operate in very remote areas of Alaska. Thus, access to nearby drug and alcohol testing facilities can be limited. Both employers and employees can benefit from the simplified collection process of saliva, as compared to blood and urine. The inclusion of oral fluid testing under the safe harbor law will allow employers more flexibility in their drug and alcohol testing programs.

In conclusion, AOGA supports SB 196 and appreciates the Senate Labor and Commerce Committee's commitment to adapting legislation to the evolving needs of employers and employees alike.

Sincerely,

A handwritten signature in black ink that reads "Kara Moriarty".

Kara Moriarty – AOGA President/CEO

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## Alaska Telecom Association

Kelly Williams  
President

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www.alaskatel.org

Christine O'Connor  
Executive Director

February 23, 2024

Senators Jesse Bjorkman and Click Bishop Co-Chairs  
Senate Labor and Commerce Committee  
Alaska State Capitol  
Juneau, AK 99801

Dear Co-Chairs Bjorkman and Bishop,

Thank you to the Committee for sponsoring Senate Bill 196, which will update Alaska's drug and alcohol testing safe harbor law to include modern oral testing. Alaska Telecom Association (ATA) supports this bill.

ATA's members provide telecommunications services to Alaskans throughout the state. We employ more than 3,000 people in Alaska, and thousands more will be joining our labor force as federal infrastructure funds for broadband are deployed in the years ahead. Updating Alaska's safe harbor law to allow implementation of oral fluid testing will significantly enhance our efforts in maintaining a drug-free environment.

Oral fluid testing offers several advantages over traditional drug testing methods, including convenience and non-invasiveness. Unlike traditional testing, which requires a designated facility, oral fluid testing can be conducted on-site, making the process more efficient and less disruptive to employees' work schedules. Oral fluid testing also provides a more accurate and reliable indication of recent drug use. Since oral fluid samples are collected directly from the mouth, they can detect the presence of drugs within a shorter detection window. This means that oral fluid testing is better suited for identifying individuals who may be under the influence of drugs while on duty, thereby reducing the risk of workplace accidents and injuries. In addition to its effectiveness in detecting recent drug use, oral fluid testing also offers greater flexibility in terms of sample collection and minimizes the potential for adulteration, ensuring the integrity and validity of test results.

Adding oral fluid testing to Alaska's safe harbor law will contribute to safer and more secure workplace environments for all employees. Thank you again for your support of Senate Bill 196. Please let us know if we can provide additional information.

Sincerely,



Christine O'Connor  
Executive Director



## NATIONAL SAFETY COUNCIL

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### Position/Policy Statement

#### Oral Fluid Drug Testing in the Workplace

The National Safety Council supports the collection and testing of oral fluid (saliva) specimens as an acceptable method for workplace drug testing programs. A careful evaluation of the science and evidence has proven that oral fluid testing provides the needed sensitivity and accuracy for inclusion in workplace drug testing programs. Oral fluid and urine test results are comparable in detecting drugs of abuse. In addition, testing and laboratory best practice standards and drug cutoff levels have been identified and established for the testing and analysis of oral fluid specimens.

Private sector employers not covered by federally mandated workplace drug testing requirements can consider use of oral fluid testing as part of a workplace drug testing program that meets or exceeds Federal standards.

Further, employer drug testing policies should clearly state which drugs and type of test – oral fluid or urine - are included in drug testing protocols, cutoff levels and consequences to employees of test results determined to be positive and of an employee's refusal of testing. Split sampling, specimen validity testing, confirmatory testing and the use of Medical Review Officers are fundamental to a fair and complete workplace testing program.

*This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.*

Adopted by the National Safety Council, November, 2015