

HB

522

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 19, 1996

FURTHER REFERRALS: Labor and Commerce
Finance

Date of Committee Action: 4/18/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 522

HOUSE BILL NO. 522

EMPLOYER DRUG TESTING PROGRAM

"An Act relating to employer drug and alcohol testing programs."

recommends it be replaced with the following committee substitute AS HB 522 (HES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) HSS, Labor zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
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CHAIR'S SIGNATURE *[Signature]*

9-LS1688AC
Cramer
4/17/96

CS FOR HOUSE BILL NO. 522(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to employer drug and alcohol testing programs."**

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

3 *** Section 1.** AS 23.10 is amended by adding new sections to read:

4 **ARTICLE 9. DRUG AND ALCOHOL TESTING BY EMPLOYERS.**

5 **Sec. 23.10.600. EMPLOYER PROTECTION FROM LITIGATION.** (a) If an
6 employer has established a drug and alcohol testing policy and initiated a testing
7 program under AS 23.10.600 - 23.10.699, a person may not bring an action for
8 damages against the employer for

9 (1) actions in good faith based on the results of a positive drug test or
10 alcohol impairment test;

11 (2) failure to test for drugs or alcohol impairment or failure to test for
12 a specific drug or another controlled substance;

13 (3) failure to test or, if tested, failure to detect a specific drug or other
14 substance, a medical condition, or a mental, emotional, or psychological disorder or
15 condition; or

1 (4) termination or suspension of a drug or alcohol prevention or testing
2 program or policy.

3 (b) A person may not bring an action for damages based on test results against
4 an employer who has established and implemented a drug and alcohol testing program
5 under AS 23.10.600 - 23.10.699 unless the employer's action was based on a false
6 positive test result and the employer knew or clearly should have known that the result
7 was in error and ignored the true test result because of reckless or malicious disregard
8 for the truth or the wilful intent to deceive or be deceived.

9 (c) In a claim, including a claim under AS 23.10.600 - 23.10.699, if it is
10 alleged that an employer's action was based on a false positive test result,

11 (1) there is a rebuttable presumption that the test result was valid if the
12 employer complied with the provisions of AS 23.10.600 - 23.10.699; and

13 (2) the employer is not liable for monetary damages if the employer's
14 reliance on a false positive test result was reasonable and in good faith.

15 (d) A person may not bring an action for damages against an employer for an
16 action taken related to a false negative drug test or alcohol impairment test.

17 (e) A person may not bring an action against an employer based on failure
18 of the employer to establish a program or policy on substance abuse prevention or to
19 implement drug testing or alcohol impairment testing.

20 Sec. 23.10.610. LIMITS ON CAUSES OF ACTION FOR DISCLOSURES.

21 A person may not bring an action for defamation of character, libel, slander, or
22 damage to reputation against an employer who has established a program of drug
23 testing or alcohol impairment testing under AS 23.10.600 - 23.10.699 unless

24 (1) the results of the test were disclosed to a person other than the
25 employer, an authorized employee, agent or representative of the employer, the tested
26 employee, the tested prospective employee, or another person authorized or privileged
27 by law to receive the information;

28 (2) the information disclosed was a false positive test result;

29 (3) the false positive test result was disclosed negligently; and

30 (4) all elements of an action for defamation of character, libel, slander,
31 or damage to reputation as established by law are satisfied.

1 Sec. 23.10.615. EMPLOYER'S COMPLIANCE VOLUNTARY. Compliance
2 with AS 23.10.600 - 23.10.699 by employers is voluntary. A person may not bring
3 an action for damages against an employer because the employer has a drug testing
4 and alcohol impairment testing policy that is not in compliance with AS 23.10.600 -
5 23.10.699.

6 Sec. 23.10.620. EMPLOYER POLICY. (a) Under AS 23.10.600 - 23.10.699,
7 an employer may only carry out the testing or retesting for the presence of drugs or
8 alcohol after adopting a written policy for the testing and retesting and informing
9 employees of the policy. The employer may inform employees by distributing a copy
10 of the policy to each employee subject to testing or making the policy available to
11 employees in the same manner as the employer informs its employees of other
12 personnel practices, including inclusion in a personnel handbook or manual or posting
13 in a place accessible to employees. The employer shall inform prospective employees
14 that they must undergo drug testing.

15 (b) The written policy on drug and alcohol testing must include, at a minimum,

- 16 (1) a statement of the employer's policy respecting drug and alcohol
17 use by employees;
- 18 (2) a description of those employees or prospective employees who are
19 subject to testing;
- 20 (3) the circumstances under which testing may be required;
- 21 (4) the substances as to which testing may be required;
- 22 (5) a description of the testing methods and collection procedures to be
23 used;
- 24 (6) the consequences of a refusal to participate in the testing;
- 25 (7) any adverse personnel action that may be taken based on the testing
26 procedure or results;
- 27 (8) the right of an employee, on the employee's request, to obtain the
28 written test results;
- 29 (9) the right of an employee, on the employee's request, to explain in
30 a confidential setting, a positive test result;
- 31 (10) a statement of the employer's policy regarding the confidentiality

1 of the test results.

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

5 (1) investigation of possible individual employee impairment;

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

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

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

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

17 (d) In addition to tests required under (c) of this section, an employer may
18 require employees or groups of employees to undergo drug testing on a random or
19 chance basis.

20 (e) If an employer institutes a policy of drug testing or alcohol impairment
21 testing under AS 23.10.600 - 23.10.699, the policy must uniformly include all
22 compensated employees including officers, directors, and supervisors.

23 (f) The provisions of AS 23.10.600 - 23.10.699 may not be construed to
24 encourage, discourage, restrict, limit, prohibit, or require on-site drug testing or alcohol
25 impairment testing.

26 Sec. 23.10.630. COLLECTION OF SAMPLES. (a) An employer may require
27 an employee to undergo a test for the presence of drugs or for alcohol impairment.
28 An employer may require a prospective employee to undergo a test for the presence
29 of drugs.

30 (b) In order to test reliably, an employer may require an employee or
31 prospective employee to provide a sample of the individual's urine or breath and to

1 present reliable individual identification to the person collecting the sample.
2 Collection of the sample must conform to the requirements of AS 23.10.600 -
3 23.10.699. The employer may designate the type of sample to be used for testing.

4 (c) An employer shall normally schedule a drug test or an alcohol impairment
5 test of employees during, or immediately before or after, a regular work period.
6 Alcohol impairment or drug testing required by an employer is considered to be work
7 time for the purposes of compensation and benefits for current employees.

8 (d) An employer shall pay the entire actual costs for drug testing and alcohol
9 impairment testing required of employees. An employer shall also pay reasonable
10 transportation costs to an employee if the required test is conducted at a location other
11 than the employee's normal work site. An employer is not required to pay the costs
12 of drug testing of prospective employees.

13 Sec. 23.10.640. TESTING PROCEDURES. (a) Sample collection and testing
14 for alcohol impairment and drugs under AS 23.10.600 - 23.10.699 shall be performed
15 under reasonable and sanitary conditions. The person collecting samples shall
16 document the sample, including labeling the sample to preclude to the extent
17 reasonable the possibility of misidentification of the person tested in relation to the test
18 result provided, and shall provide the person to be tested with an opportunity to
19 provide medical information that may be relevant to the test, including identifying
20 current or recently used prescription and nonprescription drugs.

21 (b) Sample collection, storage, and transportation to the place of testing shall
22 be performed in a manner reasonably designed to preclude the possibility of sample
23 contamination, adulteration, or misidentification.

24 (c) Sample testing must comply with scientifically accepted analytical methods
25 and procedures. Drug testing shall be conducted at a laboratory approved or certified
26 by the United States Department of Health and Human Services, the College of
27 American Pathologists, or the state Department of Health and Social Services.

28 (d) For employees, drug testing must include confirmation of a positive drug
29 test result. The confirmation must be by use of a different chemical process than was
30 used in the initial drug screen. The second or confirmatory drug test shall be a
31 chromatography mass spectrometry or other reliable chromatographic technique.

1 Sec. 23.10.650. DISCIPLINARY PROCEDURES. (a) An employer may take
2 adverse employment action based on

3 (1) a positive drug test or alcohol impairment test result that indicates
4 a violation of the employer's written policy;

5 (2) the refusal of an employee or prospective employee to provide a
6 drug testing sample; or

7 (3) the refusal of an employee to provide an alcohol impairment testing
8 sample.

9 (b) Adverse employment action under (a) of this section may include

10 (1) a requirement that the employee enroll in an employer provided or
11 employer approved rehabilitation, treatment, or counseling program; the program may
12 include additional drug testing and alcohol impairment testing; the employer may
13 require participation in the program as a condition of employment; costs of
14 participating in the program may or may not be covered by the employer's health plan
15 or policies;

16 (2) suspension of the employee, with or without pay, for a designated
17 period of time;

18 (3) termination of employment;

19 (4) in case of drug testing, refusal to hire a prospective employee; and

20 (5) other adverse employment action.

21 Sec. 23.10.660. CONFIDENTIALITY OF RESULTS; ACCESS TO
22 RECORDS. A communication received by an employer relevant to drug test or
23 alcohol impairment test results and received through the employer's testing program
24 is a confidential communication and may not be disclosed except

25 (1) to the tested employee or prospective employee or another person
26 designated in writing by the employee or prospective employee;

27 (2) to individuals designated by an employer to receive and evaluate
28 test results or hear the explanation of the employee or prospective employee; or

29 (3) as ordered by a court or governmental agency.

30 Sec. 23.10.670. COLLECTIVE BARGAINING. An employer who follows the
31 provisions of a drug testing or alcohol impairment testing policy negotiated or

1 bargained to impasse with the collective bargaining representative of the employer's
2 employees or consistent with the terms of a collective bargaining agreement shall
3 receive the full benefits of AS 23.10.600 - 23.10.699 even if the policy is not
4 consistent with AS 23.10.600 - 23.10.699.

5 Sec. 23.10.680. EFFECT OF MANDATORY TESTING OBLIGATIONS. An
6 employer who is obligated by state or federal requirements to have a drug testing or
7 alcohol impairment testing policy or program shall receive the full benefits of
8 AS 23.10.600 - 23.10.699 even if the required policy or program is not consistent with
9 AS 23.10.600 - 23.10.699, so long as the employer complies with the state or federal
10 requirements applicable to the employer's operations.

11 Sec. 23.10.699. DEFINITIONS. In AS 23.10.600 - 23.10.699,

12 (1) "alcohol" means ethanol, isopropanol, or methanol;

13 (2) "drug" means a substance considered unlawful under AS 11.71 or
14 the metabolite of the substance;

15 (3) "drug testing" means testing for evidence of use of a drug;

16 (4) "employee" means a person in the service of an employer;

17 (5) "employer"

18 (A) means a person who employs one or more full-time
19 employees under a contract of hire, express or implied, oral or written;

20 (B) does not include the state, a municipality or other political
21 subdivision of the state, or the federal government;

22 (6) "good faith" means reasonable reliance on fact, or that which is held
23 out to be factual, without the intent to deceive or be deceived and without reckless or
24 malicious disregard for the truth;

25 (7) "prospective employee" means a person who has made application
26 to an employer, whether written or oral, to become an employee;

27 (8) "sample" means urine or breath from the person being tested.

House Labor & Commerce Committee

State Capitol
Juneau, Alaska 99801-1182
907-465-4954

HB 522 SPONSOR STATEMENT

In 1987 two trains collided near Baltimore, an event which resulted in 16 fatalities and 174 injuries. Shortly before the accident, an engineer and a brakeman smoked marijuana.

Perhaps one of the largest factors eroding workplace safety and productivity is employee drug and alcohol impairment. As a consequence, mandatory employee drug and alcohol testing is becoming increasingly common. Currently, it is estimated that over 53,000 Alaskan workers are subject to testing under federal law.

HB 522 would permit Alaska employers to implement and enforce mandatory drug and alcohol testing of employees and prospective employees. Employers are not required to do so, but they are granted that option.

Employers who comply with the bill's numerous requirements are granted a certain limited immunity from litigation. They may not be sued for actions taken in good faith as a result of a positive drug or alcohol test. They are not liable for a failure to test for alcohol or drugs. They are not liable for a failure to test for a specific drug. They are not liable for a failure to detect a specific drug. In addition, they are not liable for terminating or suspending a drug or alcohol prevention program or policy.

HB 522 contains important safeguards ensuring that employees are fully apprised of the nature, scope, and potential consequences of testing programs. It requires that testing be done under reasonable and sanitary conditions that comply with scientifically accepted analytical methods and procedures. It contains provisions protecting the confidentiality of the results of testing.

If enacted into law, HB 522 would not mandate but would encourage Alaska employers to implement employee alcohol and drug abuse testing programs. This, in turn, would enhance job productivity and safety. Your support is urged.

House Labor & Commerce Committee

State Capitol
Juneau, Alaska 99801-1182
907-465-4954

SECTIONAL DISCUSSION HB 522

At the outset, please note that the following does not purport to be a definitive discussion of the bill. The best statement of its contents is the bill itself.

Section 1:

AS 23.10.600 grants certain immunities to employers who have established drug and alcohol testing policies and programs under the provisions of this bill. The immunities include: (1) Good faith actions taken in response to positive drug or alcohol tests; (2) Failure to test for drugs or alcohol; (3) Failure to test for or detect a specific substance, medical or mental condition, emotional disorder, or psychological disorder; and, (4) Termination of a testing or prevention program. This section provides that employers that have instituted programs which meet the requirements established in this bill are immune from liability for actions taken in response to a drug or alcohol test except where there is a false positive and the employer knew or should have known that the results were erroneous.

AS 23.10.610 provides certain restrictions on the ability of employees to bring defamation actions when the results of drug and alcohol tests are disclosed to third parties.

AS 23.10.615 provides that compliance with the bill's provisions is voluntary and that no cause of action will lie for failure to institute a testing policy in compliance with the provisions of this bill.

AS 23.10.620 provides that employers may test for drugs or alcohol after adopting a written policy and disseminating copies to affected employees. This section also establishes certain minimum elements of the written policy. The policy must include all compensated employees, including officers and directors. Employers may require testing for any job-related purpose consistent with business necessity and the written policy. Grounds for testing include, in part, investigation of impairment, investigation of accidents, maintenance of safety, maintenance of productivity, and reasonable suspicion that an employee is affected by the use of drugs or alcohol and that this use is

adversely affecting job performance or the work environment. Random testing is authorized.

AS 23.10.630 provides that employers may require employees to be tested for drug or alcohol impairment. Prospective employees may be required to be tested for drugs. Employees and prospective employees may be required to provide samples of urine, blood, breath, saliva, hair, or other bodily substance. Tests must normally be scheduled immediately before, during, or immediately after regular work periods. Testing is to be considered work time for purposes of compensation. The employer is to pay all costs of testing of employees, but not prospective employees.

AS 23.10.640 establishes testing procedures and standards.

AS 23.10.650 grants employers the right to take adverse employment action based on a positive test or a refusal to take a test.

AS 23.10.660 prescribes standards of confidentiality with respect to the results of tests. Results are considered to be a confidential communication and may not be disclosed except to the employee or someone designated by the employee, individuals designated by the employer to receive and evaluate test results, or as ordered by a court or a governmental agency.

AS 23.10.670 provides that employers who comply with the provisions of a testing policy negotiated and included in a collective bargaining agreement, or bargained to impasse, are entitled to the protections accorded by this bill even if the policy is not consistent with the provisions of this bill.

AS 23.10.680 provides that employers who comply with federal or state requirements concerning mandatory testing policies are entitled to the protections accorded by this bill even if the policies do not conform with the provisions of this bill.

AS 23.10.680 is a definitional section.

Section 2 disqualifies workers who have been discharged as a result of failing to pass, or refusing to take, a drug or alcohol test from waiting-week credit for purposes of unemployment insurance compensation. Such workers are also disqualified for the following five weeks.

Section 3 provides that individuals who fail to pass or refuse to take a drug or alcohol test administered under the provisions of this bill and are discharged are considered to have been discharged for misconduct for purposes of AS 23.20.406 (h), concerning extended unemployment benefits.

A & B**TOOL & EQUIPMENT RENTAL, Inc.***"WASILLA AT THE LIGHT"*

465-2819

2-22-96

REPRESENTATIVE PETE KOTT:

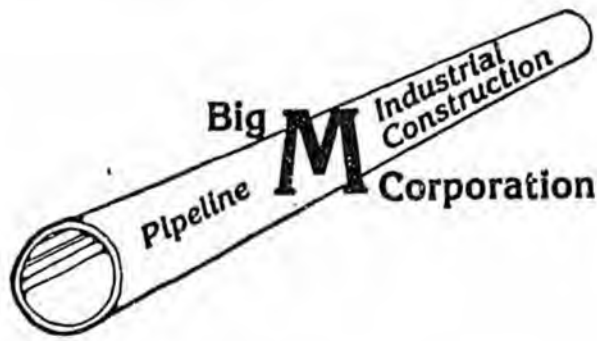
ALLVEST LABORATORIES INC FAXED ME INFORMATION ON YOUR BILL REGARDING EMPLOYER DRUG AND ALCOHOL TESTING PROGRAM. THIS WILL GREATLY HELP THE ALASKAN EMPLOYER WHO IS UNDER LIABILITY EVERY WHERE. IF THERE IS ANYTHING I CAN DO OR ANYONE I CAN WRITE TO REGARDING THIS BILL PLEASE LET ME KNOW. I WOULD LIKE TO RECEIVE A COPY OF THIS BILL AND BE ABLE TO FAX TO OTHER RENTAL CENTERS IN ALASKA AS WE HAVE AN ORGANIZATION CALLED ARA OF ALASKA AND WE TRY TO KEEP EVERYONE POSTED AS TO WHAT IS GOING ON IN JUNEAU. PLEASE FAX ME A COPY OF THIS BILL.

SINCERELY,

ANDREA M. BYERS
SEC. TREAS.

(907) 376-5321 • FAX: (907) 376-2434 • 450 E. RAILROAD AVE. • WASILLA, ALASKA 99654

SUPPORT



February 21, 1996

Representative Pete Kott
State Capital
Juneau AK 99801

RE: House Bill 522

Dear Pete Kott:

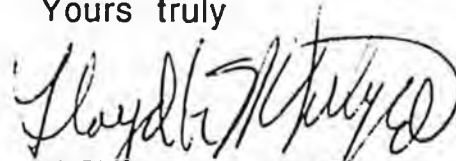
I would like to pass on our support of your proposed House Bill 522 relating to drug and alcohol testing.

Big M Corporation is a Pipeline Contractor and we have had a Drug and Alcohol Testing Policy in force for several years. We have been testing employees in both new pipeline construction and pipeline repair work. I am sure having this Drug Testing Policy in force has saved us from litigation. I feel very strongly that your proposed House Bill 522 needs to pass.

Whatever you can do to move this Bill through the House and Senate to make it a law would be greatly appreciated.

If I can be of any help, feel free to call.

Yours truly



LLOYD K. McINTYRE
President



GREATLAND AIR CARGO INC.

Making Tracks with your Freight

Operating DeHavilland Caribou Aircraft

February 21, 1996

Representative Pete Kott
State Capital
Juneau, AK 99801

Dear Representative Kott:

I would like to express my support for the bill before the House Labor and Commerce Committee relating to "employer drug and alcohol testing programs". I believe the bill will encourage employers to have a written policy and follow the guidelines of the proposed statute in order to limit their liability from litigation. Given the litigious nature of our society, this bill will be an important step in protecting employers from frivolous lawsuits. In addition, by following the guideline of the statute, hopefully situations can be avoided that might lead to such litigation.

I hope you will support the bill when it comes before your committee. Thank you for your consideration of this issue.

Very truly yours,

Kim Boger
President

*Anchorage International Airport
3600 International Airport Road Suite #2
Anchorage, Alaska 99502
19071 243-1176*

(800) 543-4476

NENANA HEATING SERVICES, INC.

P O. Box 9
Nenana, AK 99760-0009

February 21, 1996

Representative Pete Kott
State Capital
Juneau, AK 99801

Dear Mr. Kott,

I am writing to let you know that I support your drug and alcohol testing Bill. I don't have the number of the bill but I am sure you know what it is. Please let others know that any bill that simplifies and protects small business is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Nancy J. Shaw".

Nancy J. Shaw
Secretary, NHS



Allvest Laboratories, Inc.

611 E. 12th Avenue, Suite 102, Anchorage, Alaska 99501

HB522

(907) 274-6666

Fax (907) 272-9242

January 25, 1996

Representative Gail Phillips
Speaker of the House
Alaska State Legislature
State Capital, Room 208
Juneau, Alaska 99801

Dear Madam Speaker,

My name is Matthew T. Fagnani and I am President of Allvest Laboratories, Inc. (ALI). Allvest Laboratories is a drug and alcohol testing company. For the past year I have been trying to get legislation submitted that will establish guidelines for workplace drug testing. Last year I met with Representative Pete Kott and Senator Tim Kelly. Rep. Kott was interested in the bill but wanted to know what Sen. Kelly's view point was, so I focused my efforts on Senator Kelly. To date, he has not introduced the legislation.

The State of Arizona in 1994 passed House Bill 2220 (enclosed), which established uniform standards and requirements regarding drug testing of employees and prospective employees. Currently in Alaska, there are no set guidelines for non-federally regulated companies to follow for drug testing. A major obstacle for non-regulated companies is the liability faced once the decision is made to drug test. The only legal reference Alaska has regarding non-regulated testing is the *Luedtke vs. Nabors Drilling* Supreme Court decision. *Luedtke vs. Nabors Drilling* allows for drug testing if a company has a reasonable safety need to test.

This type of legislation would be beneficial for Alaskan employers as well as employees. Creating an Alaskan statute that sets drug testing standards would enable the implementation of workplace testing programs while decreasing company liability. The employees would also know that the testing programs the employers are conducting meet high state standards. Providing that companies follow the state's recommendations, this legislation would help protect employers who want to drug test.

We need to act as soon as possible on these changes to capitalize on the momentum created by the implementation of the U. S. Department of Transportation, (DOT) Omnibus Employee Drug Testing Act of 1991.

According to July 1993 State of Alaska Department of Labor statistics, Alaska had 599,200 residents. Using this statistic, the number of residents that are currently employed is 277,991. As of January 1, 1996 **over 53,000 Alaskans are mandated to test** by the federal government DOT. Nineteen percent (19%) of our employed population, or 8.8% of our total state population, is subject to mandatory drug and alcohol testing.

Currently, companies that follow federal regulations have limited liability from employee lawsuits, providing they follow the strict DOT drug and alcohol testing procedures for specimen collection and testing. It makes sense for the State of Alaska to create the same environment for non-regulated companies and their employees that is enjoyed by DOT regulated companies and their employees.

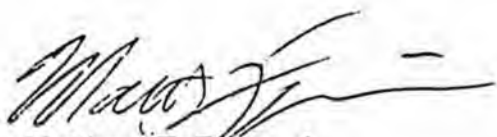
I am faxing this to you for your review. An original will be mailed to your office. I will be in Juneau February 14 and would appreciate the opportunity to discuss this with you and Representative Kott. I would appreciate your assistance in getting this submitted to the Labor and Commerce committee for evaluation.

If you have questions I can be reached at 907-274-6662.

Thank you for your time and consideration.

Sincerely,

ALLVEST LABORATORIES, INC.



Matthew T. Fagnani
President

enclosures:

Arizona House Bill 2220
Anchorage Daily New 1/23/96



March 5, 1996

Representative Pete Kott
State Capitol
Room 432
Juneau, AK 99801-1182

Dear Representative Kott:

On behalf of the Alaska Council on PREVENTION of Alcohol and Drug Abuse, I would like to offer our support for HB 522.

This bill's passage and implementation will greatly reduce the employer's liability from drug and alcohol tests that are positive. Therefore, more companies may choose to drug test their employees. Through the procedures outlined in HB 522, an employer can establish a clear drug testing policy. This will promote and provide a safe, drug-free working environment for all employees.

The Alaska Council supports all aspects of this bill as it is written. We urge your favorable action on it. Thank you for your time and attention to this important matter.

Sincerely,



C-Joe DiMatteo
Executive Director

cc: Matthew T. Fagnani, President
Allvest Laboratories

MILLS CONSTRUCTION & SUPPLY

P.O BOX 142
GUSTAVUS, AK 99826
FAX (907) 697-2365

(907) 697-2324

3-2-96

Representative Pete Kott
State Capital
Juneau, AK 99801

Re: Employer drug and alcohol testing. HB 522

Dear Representative Kott,

I would like to express my dissatisfaction with this type of legislation and ask that you reconsider your proposal.

The first thing wrong with it is written in the name. It should be employee, not employer. Putting the burden on the employer to pay for and manage a program of this type will be very expensive to small companies such as ours. Further, employers do not, and should not, have control of individuals personal lives. The employee should bear the cost as incentive to obtain a passing result. An example would be the flight physical required for pilots. It seems as though you have copied a bill that the employee will perceive the employer as the bad guy and not the legislator. I resent this.

As an employer, I see another stack of paperwork on my desk with absolutely no gain to me. As I sit here and read this bill, it strikes me that there is really no protection for me from litigation. I suspect that in the eyes of attorneys, this is just an exercise providing more billable hours in court. For me, however, it simply looks to be another weapon which can be used against me if a mistake is made. My business survives by moving dirt, not paper.

I get angry when I hear a liberal politicians mantra wondering what is happening to the American way of life. It is being choked out of us one page at a time, one fine at a time, and one lawsuit at a time. Some mystery. Rather than play with our kids after work, my wife and I will now be able to monitor a program that we first must take the time to create. We will follow a written policy that I believe will provide very little, if any, legal protection or increased public safety. And, oh yes, we can pay for it with that extra pile of cash we keep in our desk drawers. Weil, at least you legislators will have the appearance of doing your part to protect us and that is what counts in the political world, I suppose.

It is no surprise that small companies using employees with CDLs are now forced to comply with this federal mandate. Rather than rushing out to adopt such a program, I suggest you investigate the merit of the mandate itself. I see no statistics supporting the need for such testing. Where are the results that conclude such testing has been a great safety improvement on the highway system? All that I read and hear suggest that these drug tests are less than reliable, have many false positives, and are easily beaten if one wants to. I suspect this bill has more to do with jcb protection than public safety.

Respectfully,

Dan Mills
MCS

CC: Rep. Mauley
Sen. Zaroff
Gov. Knowles

TRADING BAY ENERGY CORPORATION

March 14, 1996

The Honorable Cynthia Toohey
and
The Honorable Con Bunde
Co-Chairs House HESS Committee
Alaska State Capitol (MS3100)
Juneau, Alaska 99801-1182

RE: Hearings for HB 522 - Drug & Alcohol Testing Programs

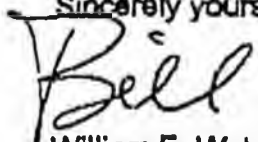
Dear Chairpersons Toohey and Bunde:

Many employers have discovered that an effective drug test program greatly increases their ability to provide a safe and productive work place for their employees. My own experience is one of frustrated safety programs in the non test environment and greatly successful safety programs in the tested environment. My last employer, CTI Alaska, Inc., tested all employees at hire, at random, for cause and after incident. At the time I left CTI in January, we had achieved over 1,200,000 hours worked without a lost time accident. I am convinced that this achievement would be impossible in the 1990's without an effective drug testing program.

HB522 address the main reason expressed to me by fellow business people who do not have drug test programs ... fear of lawsuits. While it is debatable if this fear is justified or not, the fear is real with many business owners and managers resulting in reduced testing.

I encourage you to schedule hearings on HB522 and send this bill on its way to passage. Alaska's employees will be safer because you moved this bill.

Sincerely yours,



William F. Webb
President

CC: Speaker Gail Phillips

825 West 8th Avenue, Suite 204
Anchorage, Alaska 99501

Telephone: 907-279-5655
Fax: 907-279-5844



April 3, 1998

Representative Pete Kott
State Capital
Juneau, Alaska 99801
via facsimile (907) 465-2819

Subj: House Bill No. 522 Drug and Alcohol Testing

Dear sir,

I would like to take this opportunity to voice support for House Bill No. 522. VECO feels this bill would be of benefit to Alaskan employers who endeavor to provide a safe and drug free workplace for their employees.

Sincerely,

James H. Slack
Vice President, Manager of Personnel Services

Maniilaq Association

P.O. Box 256
Kotzebue, Alaska 99752
(907) 442-3311

March 26, 1996

Representative Pete Kott
State Capital (MS 3100)
Juneau, AK 99801

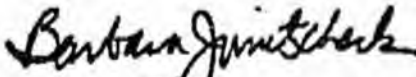
Dear Representative Kott:

I am writing to notify you of Maniilaq Association's support of the proposed House Bill No. 522.

As a tribal organization in Alaska, Maniilaq Association must be a leader in the movement to eradicate the catastrophic effects of illegal drugs and alcohol on the people and culture of Northwest Alaska. Accordingly, just this past year Maniilaq implemented a Drug and Alcohol Free Workplace policy, which includes pre-employment, random, for cause and post accident drug testing; and for cause alcohol testing. This policy has assisted the organization in providing its employees with a safer and more productive workplace and our clients and patients with a higher quality of service.

House Bill No. 522, by providing standardized guidelines for the implementation of quality drug testing programs in the Alaska work place, proves beneficial for both employers and employees. Alaskan businesses need standards by which they can conduct drug testing that would limit their liability and establish a clear drug policy while guaranteeing the rights of employees. PLEASE SUPPORT HOUSE BILL NO. 522.

Sincerely,



Barbara Janitschek
Acting CEO/President

MEMBER VILLAGES

Ivitaappaat, Nunatchik, Ipiatchik, Katyaak, Kivalina, Iagvik, Qikiqtalik, Nauyasq, Nuurvik, Akuliga, Ishmaq
Ambler, Buckland, Deering, Kiina, Kivalina, Kobuk, Kotzebue, Noatak, Nuurvik, Selawik, Shungnak



Representative Pete Kott
State Capital (MS 3100)
Juneau, Alaska 99801

March 24, 1996

Dear Representative Kott,

Holland America Line-Westours Inc. and our subsidiaries Westmark Hotels and Gray Line of Alaska are committed to providing a safe and productive work environment for our employees, as well as, superior service for our passengers and guests. For some time we have had drug testing programs in place in our Alaskan operations and require a majority of our employees to complete a pre-employment drug test. Also, many of our employees are subject to random and post-accident testing. We have found these testing programs to be highly effective in reducing accidents and enhancing the safety of our employees and customers.

We strongly support the legislation that you have proposed. Establishing unambiguous drug testing policies will guarantee the rights of employees and, at the same time, limit the potential liability to employers.

Yours Truly,

A handwritten signature in dark ink, appearing to read "Robert L. Nielsen", written in a cursive style.

Robert L. Nielsen
Director, Human Resources

C:\LOTS\UTTE\AMIPRODOCS\BMM\F323B.SAM

**Anchorage Chamber of Commerce
441 West 5th Avenue Suite 300
Anchorage, Alaska 99501
272-2401 272-4117 fax**

To: Alaska State Legislators & Governor Knowles
From: The Anchorage Chamber of Commerce
The following resolution was passed by the Anchorage Chamber of Commerce.
Please consider this passage of HB522 this session.
Thank You

**Anchorage Chamber of Commerce
Employer Drug and Alcohol Testing Programs (HB 522)
Resolution 95/96-12**

WHEREAS, the Anchorage Chamber of Commerce is concerned about and promotes workplace safety and productivity, and

WHEREAS, HB 522, relating to employer drug and alcohol testing programs has been introduced, and

WHEREAS, HB 522 will help establish a clear drug testing policy for Alaska businesses while guaranteeing the rights of both employers and employees:

WHEREAS, HB 522 would limit or remove employer tort and employment contract breach liability for errors and omissions arising in good faith employee drug testing in the context of established employee drug and alcohol testing programs, and

WHEREAS, the limiting or elimination of laboratory and employer tort liability arising from established employee workplace drug and alcohol testing will foster workplace safety, employee welfare and productivity;

NOW THEREFORE BE IT RESOLVED by the Anchorage Chamber of Commerce that it encourages the passage and enactment of HB 522.

Approved: April 5, 1996

Sue Linford Chairman 1995-96

Carol Heyman President

STEPHAN'S

TOOL RENTAL & SALES, INC.
ANCHORAGE, ALASKA

Phone (907) 349-4425 Fax (907) 349-9683

03/19/96

Representative Pete Kott
State Capital (MS 3100)
Juneau, Ak. 99801

Please record my support for (HB) 533 "An act relating to employer drug and alcohol testing programs". This Bill while reducing employer liabilities also encourages responsibility and establishes standardized testing procedures.

Thank you

Sincerely

Shawn Stephan (President, Owner)

The passage of House Bill 522 is important for all Alaskans!

- Employers want to provide safe and productive work environments for all their employees.
- Effective drug testing programs reduce risk and lower the cost of insurance and worker's compensation claims.
- Alaskan businesses need standards by which they can conduct drug testing that would limit their liability.
- Establishing a clear drug testing policy for Alaskan businesses while guaranteeing the rights of employees makes sense.
- By providing standardized guidelines for the implementation of quality drug testing programs in the Alaska work place, this legislation is beneficial for both employers and employees.

I support House Bill No. 522 for the reasons listed above:

NAME: Mike Stackhouse / Safe Worker Coordinator DATE: 3-6-96
COMPANY: North Slope Borough Personnel Department
ADDRESS: P.O. Box 69 Barrow, AK. 99723
SIGNATURE: Michael R. Stackhouse

SPONSORED BY ALLVEST LABORATORIES

**Al & Jeanine St. John
P. O. Box 211043
Anchorage, AK 99521
(907)564-5758**

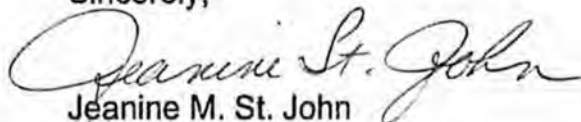
March 12, 1996

Representative Pete Kott
State Capitol (MS3100)
Juneau, AK 99801-1182

Dear Pete,

I just wanted to let you know that I strongly support HB No. 522. Any legislation that decreases the cost of doing business is very important. An established and recognized set of standards for drug testing, and clear limitation of liability will have a positive effect on the ability of employers to implement effective programs for their employees. The issue here is not safety, because employers and employees alike want to be safe, but the issue is clarity and support for the safe workplace. Employers who comply with drug testing programs should be able to reap the benefits of reduced risk and reduced cost of doing business by insurance and worker's compensation reductions.

Sincerely,


Jeanine M. St. John

cc: HESS Committee
Labor & Commerce Committee
Finance Committee

veloped a sudden difficulty in walking and a disturbed gait, which happened to be due to a carnitine deficiency; neurological symptoms resolved after adequate supplementation. Shortly before turning 4 years of age, CH-1 had to be admitted for a severe metabolic acidosis (pH 7.22), accompanied by lethargy, dysarthria, and ataxia. An 80-mL urine sample collected soon after admission demonstrated an extremely high D-lactate excretion, 40 000 mmol/mol creatinine, whereas L-lactate excretion was only 400 mmol/mol creatinine. Because neurological symptoms and acidosis resolved after administration of an oral prokinetic (cisapride) and a phosphate enema, we assume that intestinal stasis and the resulting excessive fermentation precipitated the metabolic acidosis.

References

1. Vanderhoof JA, Langnas AN, Pinch LW, Thompson JS, Kaufman SS. Short bowel syndrome. *J Pediatr Gastroenterol Nutr* 1992;14:359-70.
2. Rosenthal P, Peece M. Long-term monitoring of D-lactic acidosis in a child. *J Pediatr Gastroenterol Nutr* 1985;4:674-6.
3. Bongaerts G, Tolboom J, Naber T, Bakkeren J, Severijnen R, Willems H. D-Lactic acidemia and aciduria in pediatric and adult patients with short bowel syndrome. *Clin Chem* 1996;41:107-10.
4. Kardon M, Rettmer RL, Lipkin EW. Effect of parenteral nutrition and enteral feeding on D-lactic acidosis in a patient with short bowel. *J Parenter Enter Nutr* 1987;11:586-9.

Ger Bongaerts^{1,*}
Jules Tolboom²
Ton Naber³
Jan Bakkeren⁴
Bené Severijnen⁵
Hans Willems⁶

Depts. of ¹ Med. Microbiol.,
² Pediatr., ³ Gastroenterol. and
Hepatal., ⁴ Pediatr. Surgery, and
⁵ Clin. Chem.
Univ. Hosp. Nijmegen St. Radboud
P.O. Box 9101, NL-6500 HB
Nijmegen
The Netherlands

* Author for correspondence.

Snack Crackers Yield Opiate-Positive Urine

To the Editor:

With the prevalent use of urine screening to give an indication of drug abuse, the ingestion of food products

that give rise to opiates in the urine poses a significant problem. Instances of opiate-positive urine samples resulting from the ingestion of poppy seed-containing baked goods have been well documented in the scientific literature (1-6). The Department of Defense has addressed this problem in their drug monitoring programs by setting urine opiate confirmation cutoff concentrations so high that positive results from the ingestion of poppy seeds in baked goods are unlikely (morphine cutoff = 4 mg/L, codeine cutoff = 2 mg/L) (2). However, the National Institute on Drug Abuse (NIDA) continues to maintain the lower confirmation cutoff value of 0.30 mg/L, making interpretation of results more difficult as to whether illicit use of opiates has occurred.

A young woman on federal probation contacted our laboratory alleging her opiate-positive urine was the result of ingesting one-half box of poppy seed-containing "Sociables" snack crackers (Nabisco Foods, East Hanover, NJ) ~2 h before a mandated urine screening. After a review of the scientific literature, we found no instances of opiate-positive urine resulting from commercially available snack crackers and, therefore believed the scenario to be unlikely. However, to test the allegation of the probationer, two male volunteers with no history of opiate use each ingested one-half box (115 g) of Sociables snack crackers over a 30-min period. A preingestion urine specimen and all postingestion urine specimens collected in the next 27 h were assayed for opiates by Emit-st (Syva Co., Palo Alto, CA) by

the manufacturer's protocol. The Syva-supplied calibrator at 0.30 mg/L was used as the cutoff for a presumptive positive.

Morphine and codeine concentrations in the urines were isolated by liquid/liquid extraction and quantitated by selected-ion gas chromatography-mass spectrometry (GC-MS) on a Hewlett-Packard (Palo Alto, CA) 5970 GC-MS system. Full-scan confirmation of morphine was obtained in samples from each volunteer.

Emit-st testing showed positive urine opiate results for the first and second post-ingestion voids for each volunteer, collected ~5 and 9 h post-ingestion. Results for subsequent voids were below the GC-MS cutoff (0.30 mg/L), but Emit-st values remained above the preingestion values of both volunteers for 26 h.

The GC-MS quantitations (Fig. 1) show morphine concentrations of 0.28 and 0.29 mg/L for the first and second voids, respectively, for volunteer 1. Volunteer 2 showed morphine concentrations of 0.32 and 0.17 mg/L for the first and second voids, respectively. The GC-MS data generally followed the results obtained from the Emit-st testing. Codeine was detected in one specimen from volunteer 1 at a concentration of <0.10 mg/L.

We also assayed the snack crackers for opiate content by GC-MS. The total morphine concentration was 2.2 µg/g of cracker. Ingestion of 115 g of snack crackers would include 255 µg of morphine. Concentrations of morphine per gram of poppy seed have been reported to range from 1.5 to 963 µg/g in seeds of various origins (1). In

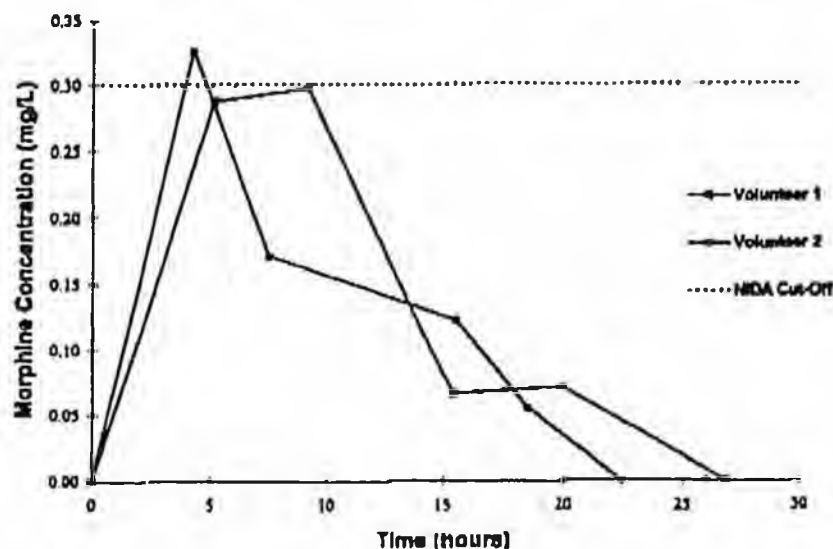


Fig. 1. Morphine quantitation of urine by GC-MS vs time after ingestion of poppy seed-containing crackers.

Preingestion urine specimens were taken at time 0. The crackers were eaten during the next 30 min.

one study maximum urine morphine concentrations ranged from 0.26 to 11.6 mg/L after subjects ingested various types of poppy seed-containing bakery goods (2).

From this study we conclude that the opiate-positive urine of the young woman on probation could have resulted from the ingestion of the Sociables snack crackers. After receiving permission from the woman's probation officer, we checked the records of the laboratory performing the testing and found that the morphine confirmation concentration of the probationer was just above the 0.30 mg/L cutoff. This concentration is not inconsistent with poppy seed ingestion, as evidenced by this study. After we presented the initial results of this

study to the probation officer, the probationer was monitored more closely for the next few months, but her probation was not revoked.

References

1. ElSohly MA, Jones AB. Morphine and codeine in biological fluids: approaches to source differentiation. *Forensic Sci Rev* 1989;1:18-21.
2. Selavka CM. Poppy seed ingestion as a contributing factor to opiate-positive urinalysis results: the Pacific perspective. *J Forensic Sci* 1991;36:685-96.
3. Hayes LW, Krasselt WG, Mueggler PA. Concentrations of morphine and codeine in serum and urine after ingestion of poppy seeds. *Clin Chem* 1987;33: 806-8.
4. Pettitt BC, Dyszel SM, Hood LVS. Opiates in poppy seed: effect on urinalysis results after consumption of poppy seed cake-filling. *Clin Chem* 1987;33:1261-2.
5. ElSohly HN, Stanford DP, Jones AB, ElSohly MA, Snyder H, Pedersen C. Gas chromatographic/mass spectrometric analysis of morphine and codeine in human urine of poppy seed eaters. *J Forensic Sci* 1988;33: 847-66.
6. Minicely KD. Poppy seed ingestion: the Oregon perspective. *J Forensic Sci* 1992; 37:1158-62.

J. Rod McCutcheon¹
Patrick G. Woods

Forensic Toxicol.
Travis Co. Office of the Med.
Examiner
P.O. Box 1748
Austin, TX 78767

¹ Author for correspondence.

Errata

In the article by Fossati et al. entitled "A step forward in enzymatic measurement of creatinine," 1994;40:130-7, suppliers of sera were mistakenly identified. Sera were supplied by the German Society of Clinical Chemistry. Creatinine concentrations were determined by isotope dilution-gas chromatography-mass spectrometry in three laboratories (D. Stöckl, INSTAND e. V., Düsseldorf; L. Siekmann, Institut für Klinische Biochemie, Bonn; A. De Leanbeer/L. M. Thienpont, Universiteit Gent, Fac. Farmac. Wetenschapen, Gent), participants in the interlaboratory comparison exercise "Creatinine in Serum" (EC M+T project 376).

In the article by Taneda and Monnier entitled "ELISA of pentosidine, an advanced glycation end product, in biological specimens," 1994;40:1766-73, line 20 of the abstract should state "2630 ± 1320 nmol/L, respectively"; on page 1770, column 1, line 17, the units should have been expressed as nmol/L, not μmol/L. The units of pentosidine in Figures 8-10 contain errors. Figure 8 should state: Pentosidine by HPLC (nmol/L plasma), not (μmol/L plasma). Figure 9 should state: Pentosidine (nmol/L plasma), not (μmol/L plasma). Figure 10 should state: Pentosidine (nmol/g collagen), not μmol/g collagen).

In the review by Kroll and Elin entitled "Interference with clinical laboratory analyses," 1994;40:1996-2005, the theophylline reagents used for the Hitachi 717 were obtained from GDS Diagnostics, Elkhart, IN. On page 1998, column 1, line 32, reference 32 was incorrectly cited; the correct reference is 37. On page 1998, column 2, line 17, reference 37 is listed in error.

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 522

Revision Date: _____
 Title: An act relating to employer drug and alcohol testing programs
 Sponsor: House Labor and Commerce
 Requestor: House Health, Education & Social Services

Dept. Affected: Health and Social Services
 BRU: State Health Services
 Component: Laboratory Services
 COMPONENT SERIAL NO. 291
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would have no impact on the Division of Public Health.

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: (907) 465-3090
 Date: 04/12/96

Date: 4/15/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 522

Revision Date: _____

Department Affected: Labor

Title: Employment Drug Testing Program

BRU: Employment Security

Component: _____

Sponsor: House L&C

Employment/Unemployment Services

Requestor: House HES

COMPONENT SERIAL NO. 1807

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

This bill would restrict litigation and limit causes of action against private employers who implement a drug and alcohol testing program meeting the standards in the bill. Sections 2 and 3 of the bill would amend the Employment Security Act to uniformly suspend unemployment benefits for six weeks if an employee was terminated for failing or refusing to take a test meeting the standard. These changes would not increase the cost of adjudication.

Prepared by: Rebecca Nance, Director Phone: 465-2712

Division: Employment Security Date: 4/16/96

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor Date: 4/16/96

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BILL NO: HB 522

DATE: April 15, 1996

TITLE: "An Act relating to employer drug and alcohol testing programs."
CONTACT: Dwight Perkins
465-2700

Section 1 of HB 522 would restrict litigation and limit causes of action against private employers who implement a drug and alcohol testing program as outlined in the section.

Section 2 of the bill would amend the Employment Security Act at AS 23.20.379(a) to deny unemployment insurance (UI) benefits to any worker who fails to pass or refuses to take a drug or alcohol test which meets the standards in Sec. 1 of the bill. A worker discharged for this reason would be deemed discharged for misconduct connected with the work. This section would affect all private employment, but would not add any significant cost to the claim adjudication process. It would, however, change the current standards for adjudicating discharge cases where an employee fails or refuses to take a drug test.

Under AS 23.20.379(a), the department has disqualified workers who fail or refuse a test if there is some indication that the worker is impaired or using drugs on the job, or if the hazards of the job make it mandatory that the employer control even off-duty usage. But all off-duty use, even if illegal, is not necessarily misconduct connected with the work.

Drug-impairment or using drugs on the job is clearly work-connected misconduct. Many discharge cases, however, involve off-duty use, as shown by a positive drug test. In deciding if off-duty use is work-connected, the department determines whether the drug use had a direct adverse impact on the employer's interest or made the worker unfit to perform the job.

If an employer's rule prohibits off-duty use and is reasonably necessary for safety reasons or required by law, then off-duty use is misconduct, because it adversely affects the employer's interest. Simple off-duty use with no impairment on the job and no other adverse affect on the employer's interest is not currently treated as work-connected misconduct.

The bill would impose a blanket disqualification on all employees, regardless of the conditions of the work or the employer's interest in regulating off-duty conduct. It would disqualify workers in industries and occupations in which their off-duty conduct did not pose any significant risk to their fellow workers or their employer's interest. In fact, one of the standards for the testing procedure is that all employees are subjected to the same test, regardless of job duties. The bill blurs the distinction between on-duty and off-duty behavior and does not allow the department to determine whether the behavior actually harmed the employer's interest.

Section 3 of the bill adds the same "fail or refuse" language to the UI extended benefits provision in AS 23.20.406(h). This section is redundant. It is unnecessary to include any misconduct disqualification standards in AS 23.20.406(h), because it already disqualifies any extended benefit claimant who was previously disqualified under AS 23.20.379. The language in Sec. 2 of the bill is sufficient to insure the reach of the disqualification to both regular and extended benefit claimants.



Alaska State Legislature

Please enter into the record my testimony to the House HB 55 committee name

committee on HB 522, dated 4-16-76 bill/subject

This House Bill 522 seems to be trying to address the issue of drugs & alcohol in the workplace. This is good!

We need to also realize that sometimes a person has a cold, flu, or whatever. This means that they cannot take anything if they plan to work that day, because most cold, flu medicines are off limits.

Also, say a person had allergies & need a medication prescribed by a doctor. Some employers still do not recognize this.

We need a listing of what drugs, alcohol, & their content is or is not approved while working.

DOT requires our drivers when at work to be tested. My employer took this one step further & we are also tested. ~~positives~~ can also hurt. ~~no lawsuit~~ means defamation of character can be gotten away with. ~~if I am an employer~~ ~~hire someone.~~ They should pay for the drug/alcohol testing, not just current employees.

Signed: Hele M. Craig
Testifier

Representing (Optional)

6013 Dethroy Av., Delta, AK
Address

907-747-5917
Phone No.