

HB 242 Revise Workforce Drug Testing Laws

49 CFR Part 40	Current Montana	HB 242	Comments
Drug testing using urine specimen only	Urine testing only. Oral fluid is included in section 39-2-206 (12), but section 39-2-207 (1) negates the use in drug testing by stating that procedure must be as stringent as 49 CFR Part 40 [technology does not exist to collect split oral fluid specimens].	Urine, oral fluid, hair, or blood	--Oral fluid and hair are less invasive to collect and harder to substitute or adulterate than urine. --Oral fluid and blood samples are more sensitive to current impairment. --Hair samples show a longer period of use. --Urine testing is still the least expensive and offers the widest range of drugs. The employer needs the ability to select the best specimen for the type of test and the individual being tested.
Drugs to be tested ARE NOT specified in 49 CFR Part 40	"Follow 49 CFR Part 40" AND excludes prescription drugs and drugs "used legally"	Controlled substances defined by current Montana statute	Allow employers to specify impairing drugs to be tested
Split specimen must be collected and sent off to laboratory for screening	"Follow 49 CFR Part 40"	Screening test may be done at the collection site	Split not required for screening test
Specimen must be sent to HHS approved laboratory for testing	"Follow 49 CFR Part 40"	Split specimen must be sent to laboratory for confirmation testing	May use Montana laboratory for confirmation testing
Require laboratory confirmation of non-negative tests using chromatography methodology	"Follow 49 CFR Part 40"	Require laboratory confirmation of non-negative tests using chromatography methodology	Montana laboratory must have capability to perform GCMS or LCMS test AND maintain specimen integrity (custody and control)
Alcohol testing using breath or oral fluid for screening	"Follow 49 CFR Part 40"	Same	Oral fluid testing is much easier and less expensive than breath testing
EBT (evidentiary breath alcohol tester) for confirmation testing	"Follow 49 CFR Part 40"	EBT, or blood for confirmation testing	Allows employer to use blood in areas or situations where breath testing may not be available.