

agency or program designated to certify or approve a laboratory that is acceptable to the Secretary;

(ii) Require that a laboratory performing confirmation tests be inspected and accredited in forensic urine drug analysis by the College of American Pathologists, the U.S. Health Care Financing Administration (HCFA), or any other federal government agency or program designated to inspect and accredit a laboratory that is acceptable to the Secretary;

(iii) Require that the laboratory be a participant in a program of proficiency testing of urinary drug screening conducted by an organization acceptable to the Secretary; [and]

(iv) REQUIRE THAT THE LABORATORY COMPLY WITH ANY FEDERAL STANDARDS REGARDING ~~THRESHOLD CUTOFF~~ LEVELS FOR POSITIVE TESTING THAT ARE ESTABLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS; AND

(V) Include procedures for annual recertification and inspection.

(f) This section does not apply to:

(1) Alcohol or controlled dangerous substance testing of a person under arrest or held by a law enforcement or correctional agency;

(2) Alcohol testing procedures conducted by a law enforcement or correctional agency on breath testing equipment certified by the State Toxicologist; or

(3) Controlled dangerous substance testing by a laboratory facility of a law enforcement or correctional agency that maintains laboratory testing standards comparable to the standards in this section.

(g) This section applies to job-related alcohol and controlled dangerous substance testing of any person, including preemployment applicants, employees, and contractors.

(h) In the course of obtaining information for, or as a result of, conducting job-related alcohol or controlled dangerous substance testing for an employer under this section, a laboratory, a physician, including a physician retained by the employer, or any other person may not reveal to the employer information regarding:

(1) The use of a nonprescription drug, excluding alcohol, that is not prohibited under the laws of the State; or

(2) The use of a medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed under the laws of the State.