

(4) "JOB-RELATED" MEANS ANY ALCOHOL OR CONTROLLED DANGEROUS SUBSTANCE TESTING USED BY AN EMPLOYER FOR A LEGITIMATE BUSINESS PURPOSE.

(5) "LABORATORY" MEANS A FACILITY OR OTHER ENTITY THAT CONDUCTS JOB-RELATED ALCOHOL OR CONTROLLED DANGEROUS SUBSTANCE TESTING.

(B) AN EMPLOYER WHO REQUIRES ANY EMPLOYEE, CONTRACTOR, OR OTHER PERSON TO BE TESTED FOR JOB-RELATED REASONS FOR THE USE OR ABUSE OF ANY CONTROLLED DANGEROUS SUBSTANCE OR ALCOHOL SHALL:

(1) HAVE THE SPECIMEN TESTED BY A LABORATORY THAT:

(I) HOLDS A PERMIT UNDER THIS SUBTITLE; OR

(II) IS LOCATED OUTSIDE OF THE STATE AND IS CERTIFIED OR OTHERWISE APPROVED UNDER SUBSECTION (D) OF THIS SECTION; AND

(2) AT THE TIME OF TESTING, AT THE EMPLOYEE'S REQUEST, INFORM THE EMPLOYEE OF THE NAME AND ADDRESS OF THE LABORATORY THAT WILL TEST THE SPECIMEN.

(C) (1) AN EMPLOYEE MAY REQUEST INDEPENDENT TESTING OF THE SAME SAMPLE FOR VERIFICATION OF THE TEST RESULTS BY A LABORATORY THAT:

(I) HOLDS A PERMIT UNDER THIS SUBTITLE; OR

(II) IF LOCATED OUTSIDE OF THE STATE, IS CERTIFIED OR OTHERWISE APPROVED UNDER SUBSECTION (D) OF THIS SECTION.

(2) THE EMPLOYEE SHALL PAY THE COST OF AN INDEPENDENT TEST CONDUCTED UNDER THIS SUBSECTION.

(D) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL ADOPT REGULATIONS GOVERNING THE CERTIFICATION OF LABORATORIES THAT CONDUCT JOB-RELATED ALCOHOL OR CONTROLLED DANGEROUS SUBSTANCE TESTING.

(2) IN ADDITION TO ANY OTHER LABORATORY STANDARDS, THE REGULATIONS SHALL:

(I) REQUIRE THAT THE LABORATORY COMPLY WITH THE GUIDELINES FOR LABORATORY ACCREDITATION AS SET FORTH BY THE COLLEGE OF AMERICAN PATHOLOGISTS, THE U.S. HEALTH CARE FINANCING ADMINISTRATION (HCFA), OR ANY OTHER FEDERAL GOVERNMENT AGENCY OR PROGRAM DESIGNATED TO CERTIFY OR APPROVE A LABORATORY THAT IS ACCEPTABLE TO THE SECRETARY;