

~~(4)~~ ~~(5)~~ "MARINE FACILITY" MEANS A TERMINAL OR STORAGE STRUCTURE OR FACILITY USED FOR THE PURPOSE OF HANDLING, STORING, LOADING, OR UNLOADING FREIGHT IN THE PORT OF BALTIMORE.

~~(5)~~ ~~(6)~~ "PROGRAM" MEANS THE MARYLAND PORT COMMISSION AN ALCOHOL-FREE AND DRUG-FREE WORKPLACE PROGRAM FOR A MARINE FACILITY THAT MEETS THE REQUIREMENTS OF THIS SECTION.

~~(6)~~ ~~(7)~~ (I) "SAFETY-SENSITIVE EMPLOYEE" MEANS AN EMPLOYEE WHO OPERATES HEAVY MACHINERY.

(II) "SAFETY-SENSITIVE EMPLOYEE" INCLUDES, BUT IS NOT LIMITED TO:

- 1. AN OPERATOR OF A CRANE, WINCH, OR TOPLOADER;
- 2. A DRIVER OF A HUSTLER OR FORKLIFT.

~~(B)~~ ~~(1)~~ THERE IS A MARYLAND PORT COMMISSION ALCOHOL-FREE AND DRUG-FREE WORKPLACE PROGRAM.

~~(2)~~ THE COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING THE PROGRAM AND APPOINTING AN ALCOHOL-FREE AND DRUG-FREE WORKPLACE COMMITTEE TO ADMINISTER THE PROGRAM.

(B) THIS SECTION DOES NOT APPLY TO:

(1) EMPLOYEES, CONTRACTORS, INDEPENDENT CONTRACTORS, OR AGENTS OF THE MARYLAND PORT ADMINISTRATION;

(2) VESSEL EMPLOYEES WHO DO NOT HANDLE CARGO VESSEL EMPLOYEES, OR EMPLOYEES OF CONTRACTORS OR SUBCONTRACTORS THAT ATTEND VESSELS, WHO DO NOT LOAD OR UNLOAD CARGO BETWEEN A VESSEL AND A PIER, OR FROM ONE STOWAGE POSITION TO ANOTHER ON A VESSEL, AT A MARINE FACILITY; OR

(3) INDIVIDUALS OR EMPLOYEES REQUIRED BY FEDERAL OR STATE LAW TO COMPLY WITH 49 CFR PARTS 40 AND 382 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

(C) PERSONS THAT LEASE SPACE AT A MARINE FACILITY FROM THE PROGRAM MARYLAND PORT ADMINISTRATION SHALL IMPLEMENT A PROGRAM THAT:

(1) PROHIBIT PROHIBITS THE SALE, PURCHASE, TRANSFER, USE, OR POSSESSION OF ALCOHOL OR DRUGS AT A PORT FACILITY;

(2) PROVIDE FOR PROVIDES A PLAN THAT INCLUDES THE NONDISCRIMINATORY ADMINISTRATION OF TESTS FOR THE PRESENCE OF ALCOHOL OR DRUGS IN ACCORDANCE WITH ESTABLISHED TESTING PROCEDURES, INCLUDING RANDOM, PRE-EMPLOYMENT, REASONABLE CAUSE, POST ACCIDENT,