

(d) (1) A person who is required to submit to job-related testing, under subsection (b) of this section, may request independent testing of the same [urine or blood sample] SPECIMEN 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 (e) of this section.

(2) The person shall pay the cost of an independent test conducted under this subsection.

(e) (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, IF ANY, 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;

(ii) Require that a laboratory performing confirmation tests, FOR CONTROLLED DANGEROUS SUBSTANCES OR ALCOHOL 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, IF the laboratory PERFORMS JOB RELATED DRUG TESTING, THE LABORATORY be a participant in a program of proficiency testing of [urinary] drug screening conducted by an organization acceptable to the Secretary;

(iv) Require that the laboratory comply with [any federal] standards regarding cutoff levels for positive testing that are established by the United States Department of Health and Human Services OR ESTABLISHED BY THE SECRETARY as mandatory guidelines for [federal] workplace drug testing programs; and

(v) Include procedures for annual recertification and inspection.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department in consultation with representatives from the business community and from laboratories that perform job related drug testing with hair specimens ~~publish~~ adopt regulations for the certification of laboratories that perform job related drug testing with hair specimens by ~~October~~ July 1, 1997.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect June 1, 1997.

SECTION 3. 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect ~~July~~ October 1, 1997.