

(b) The Secretary shall issue a letter of exception to a laboratory that:

- (1) Performs only limited medical laboratory tests or examinations; and
- (2) Meets the exception requirements in regulations adopted by the Secretary pursuant to this subtitle.

(c) For the purposes of this section, "limited medical laboratory tests or examinations" means simple medical laboratory procedures as defined in regulations adopted by the Secretary pursuant to this subtitle.

(D) IF PRELIMINARY SCREENING PROCEDURES ARE PERFORMED BY AN OPERATOR WHO IS TRAINED ~~AND CERTIFIED~~ UNDER § 17-214(K) OF THIS SUBTITLE, AN EMPLOYER:

(1) IS NOT REQUIRED TO ~~BE LICENSED~~ OBTAIN A PERMIT OR TO OBTAIN A LETTER OF EXCEPTION FROM THE SECRETARY UNDER THIS SECTION TO PERFORM TESTING; BUT

(2) IS REQUIRED BEFORE PERFORMING PRELIMINARY SCREENING PROCEDURES, AS DEFINED UNDER § 17-214(A) OF THIS SUBTITLE, TO REGISTER WITH THE SECRETARY IN ACCORDANCE WITH REQUIREMENTS ADOPTED IN REGULATIONS BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

17-214.

(a) In this section the following words have the meanings indicated.

(1) "Alcohol or controlled dangerous substance testing" means a procedure used to determine whether or not a specimen contains a controlled dangerous substance or alcohol.

(2) "Certification" means the approval granted by the Department for a laboratory to engage in job-related alcohol or controlled dangerous substance testing.

(3) "Controlled dangerous substance" has the meaning stated in Article 27, § 277 of the Code.

(4) "JOB APPLICANT" MEANS AN INDIVIDUAL WHO:

- (I) HAS APPLIED FOR A POSITION WITH AN EMPLOYER;
- (II) IS NOT CURRENTLY EMPLOYED BY THE EMPLOYER.

(5) "Job-related" means any alcohol or controlled dangerous substance testing used by an employer for a legitimate business purpose.

[(5)](6) "Laboratory" means a facility or other entity that conducts job-related alcohol or controlled dangerous substance testing.

(7) "MEDICAL REVIEW OFFICER" MEANS A LICENSED PHYSICIAN WITH KNOWLEDGE OF DRUG ABUSE DISORDERS AND DRUG AND ALCOHOL TESTING.

(8) "PRELIMINARY SCREENING PROCEDURE" MEANS A CONTROLLED DANGEROUS SUBSTANCE TEST THAT USES A SINGLE-USE TEST DEVICE THAT: