

2. ~~ITEM~~ SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DOES NOT APPLY TO AN EMPLOYER THAT HAS ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT THAT PROHIBITS THE EMPLOYER FROM USING A PRELIMINARY SCREENING PROCEDURE TO TEST A JOB APPLICANT FOR THE USE OR ABUSE OF ANY CONTROLLED DANGEROUS SUBSTANCES.

(II) IF THE RESULT OF A PRELIMINARY SCREENING PROCEDURE IS POSITIVE, THE EMPLOYER SHALL SUBMIT THE SPECIMEN FOR TESTING BY A LABORATORY AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(III) FOLLOWING VOLUNTARY DISCLOSURE AND DOCUMENTATION BY AN APPLICANT OF THE TAKING OF A LEGALLY PRESCRIBED MEDICATION, AN EMPLOYER MAY HIRE THE APPLICANT PENDING CONFIRMATION OF A POSITIVE TEST RESULT BY THE MEDICAL LABORATORY AND REVIEW BY THE EMPLOYER'S MEDICAL REVIEW OFFICER.

~~(III) (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN EMPLOYER MAY NOT USE A PRELIMINARY SCREENING PROCEDURE TO TEST AN INDIVIDUAL WHO IS NOT APPLYING FOR A JOB WITH THE THAT EMPLOYER OR A CONTRACTOR OF THE EMPLOYER AT THE TIME THAT THE TEST IS TO BE ADMINISTERED.~~

~~(IV) A TEMPORARY HELP AGENCY THAT REFERS EMPLOYEES TO EMPLOYERS FOR TEMPORARY WORK MAY USE A PRELIMINARY SCREENING PROCEDURE TO TEST AN INDIVIDUAL BEFORE REFERRING THE INDIVIDUAL FOR EMPLOYMENT WITH AN EMPLOYER.~~

(IV) (V) AN EMPLOYER MAY DESIGNATE A MEDICAL LABORATORY LICENSED TO PERFORM JOB-RELATED TESTING FOR CONTROLLED DANGEROUS SUBSTANCES TO ALSO PERFORM PRELIMINARY SCREENING PROCEDURES ON JOB APPLICANTS FOR THE EMPLOYER.

~~[(2)](3)~~ (i) An employer who requires any person to be tested for job-related reasons for the use or abuse of any controlled dangerous substance may use hair derived from the human body as a specimen in accordance with this paragraph.

(ii) An employer may use hair derived from the human body only for pre-employment purposes.

(iii) If an employer uses hair derived from the human body as a specimen, the employer may not:

1. Use a specimen that is longer than one and one-half inches measured from the human body; or
2. Use the specimen for any purpose other than testing for controlled dangerous substances.

(c) (1) 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 and who receives notice FROM THE LABORATORY UNDER