

~~[(e)]~~ (F) (1) The Department of Health and Mental Hygiene shall adopt regulations governing the ~~GOVERNING~~.

(I) ~~THE SHALL ADOPT REGULATIONS GOVERNING THE~~ certification of laboratories that conduct job-related alcohol or controlled dangerous substance testing; AND

(II) ~~THE MAY ADOPT REGULATIONS GOVERNING THE OVERSIGHT OF PRELIMINARY SCREENING PROCEDURES ADMINISTERED BY EMPLOYERS.~~

(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 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 drug analysis by the College of American Pathologists, the U. S. Health Care Financing Administration (HCFA), or any other 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 drug screening conducted by an organization acceptable to the Secretary;

(iv) Require that the laboratory comply with 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 workplace drug testing programs; and

(v) Include procedures for annual recertification and inspection.

~~[(f)]~~ (G) This section does not apply to:

(1) Alcohol or controlled dangerous substance testing of a person under arrest or held by a law enforcement or correctional agency;

(2) Alcohol testing procedures conducted by a law enforcement or correctional agency on breath testing equipment certified by the State Toxicologist; or

(3) Controlled dangerous substance testing by a laboratory facility of a law enforcement or correctional agency that maintains laboratory testing standards comparable to the standards in this section.

~~[(g)]~~ (H) This section applies to job-related alcohol and controlled dangerous substance testing of any person, including preemployment applicants, employees, and contractors.

~~[(h)]~~ (I) (1) Except as provided in ~~paragraph (2)~~ PARAGRAPHS (2) AND (3) of this subsection, in the course of obtaining information for, or as a result of, conducting