

job-related alcohol or controlled dangerous substance testing for an employer under this section, a laboratory, a physician, including a physician retained by the employer, or any other person may not reveal to the employer information regarding:

(i) The use of a nonprescription drug, excluding alcohol, that is not prohibited under the laws of the State; or

(ii) The use of a medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed under the laws of the State.

(2) The prohibitions against disclosure of information under paragraph (1) of this subsection do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations.

(3) THE PROHIBITIONS AGAINST DISCLOSURE OF INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF, PRIOR TO THE ADMINISTRATION OF A PRELIMINARY SCREENING FOR CONTROLLED DANGEROUS SUBSTANCES, THE TEST OPERATOR NOTIFIES THE APPLICANT THAT IF THE PRELIMINARY TEST IS POSITIVE, THE APPLICANT MAY VOLUNTARILY DISCLOSE AND PROVIDE DOCUMENTATION TO THE OPERATOR THAT THE APPLICANT IS TAKING A LEGALLY PRESCRIBED MEDICATION.

(J) (1) AN EMPLOYER USING PRELIMINARY SCREENING PROCEDURES TO TEST JOB APPLICANTS UNDER THIS SECTION SHALL HAVE A MEDICAL REVIEW OFFICER REVIEW A POSITIVE TEST RESULT AFTER LABORATORY CONFIRMATION OF THE POSITIVE TEST RESULT.

(2) THE EMPLOYER MAY CONTRACT FOR THE SERVICES OF AN OUTSIDE MEDICAL REVIEW OFFICER IF THE EMPLOYER DOES NOT HAVE A MEDICAL REVIEW OFFICER ON STAFF.

(K) (1) AN EMPLOYER USING PRELIMINARY SCREENING PROCEDURES SHALL ESTABLISH A PROGRAM TO TRAIN ~~AND CERTIFY~~ INDIVIDUALS TO COLLECT SPECIMENS AND PERFORM CONTROLLED DANGEROUS SUBSTANCE TESTS IN THE WORKPLACE.

(2) THE EMPLOYER MAY DESIGNATE AN EMPLOYEE OR ANY OTHER INDIVIDUAL TO BE TRAINED ~~AND CERTIFIED~~, INCLUDING ANY INDIVIDUAL EMPLOYED BY A MEDICAL LABORATORY DESIGNATED UNDER SUBSECTION (B)(2)(IV) OF THIS SECTION WHO WILL PERFORM PRELIMINARY SCREENING PROCEDURES FOR THE EMPLOYER.

(3) A TRAINEE SHALL RECEIVE APPROPRIATE AND PRACTICAL INSTRUCTION, WHICH INCLUDES:

(I) A READING OF THE TEST MANUFACTURER'S PACKAGE INSERT SHEET;

(II) OBSERVING THE TEST MANUFACTURER'S TRAINING VIDEO OR RECEIVING TRAINING FROM THE TEST MANUFACTURER;