



Drug Testing Policies and Compliance

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Marijuana: Benign? Not Hardly!

By Bill Current, President and Founder of Current Consulting Group, LLC

Marijuana. Cannabis. Pot. Weed. Today it's everywhere.

Have you ever been standing in line at the grocery store and noticed that the person who just got in line behind you reeks of marijuana? Or how about when someone comes to your house to offer some type of unsolicited service (e.g., tree trimmers or gutter salespeople among others) and as soon as you open the door you're blown away by the strong stench of pot.

It's a common occurrence these days. In fact, it even happens at work when employees start their shift, return from a lunch break or after they've been out driving a company vehicle. You can thank the folks behind the nationwide movement to legalize marijuana who have also made it their mission to prohibit companies from securing the safety of the workplace by limiting what employers can do to prevent workplace drug abuse or take action when someone is suspected of being under the influence on the job. Unfortunately, sometimes the consequences the rest of us must pay are tragic.

Consider the hot air balloon accident that occurred in 2021 in Albuquerque, New Mexico. The balloon crashed into a power line, causing the basket to detach from the envelope and plummet to the ground. Five people, including the pilot, were killed. The National Transportation Safety Board (NTSB) said that the crash was, in part, caused by the pilot's use of cocaine and cannabis.ⁱ

The official report stated: "Contributing to the accident was the pilot's use of impairing, illicit drugs" ... "Some impairing effects of THC would likely have been present, that would have affected the pilot's ability to successfully operate the balloon." So sometimes having to endure the sickening smell of marijuana on a co-worker or fellow shopper is the least of our concerns.

ⁱ <https://www.foxnews.com/us/pilots-drug-use-contributed-to-deadly-new-mexico-hot-air-balloon-crash-ntsb>



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Crystal Gateway Marriott Arlington, VA
March 24-26, 2024 #PBSA24




Brian Feeley
Vice President of the Current Consulting Group


Hear Brian speak on Marijuana, Oral Fluid, and the Future of Drug Testing
March 26th at 3 pm

Webinar

The Rise of Oral Fluid Testing: Navigating Workplace Marijuana Laws in California, Washington, and Beyond



March 27th, 3PM



buzzkillLABS

Register

Webinar

Identifying Impairment and the Evolution of Drug Testing Technology



March 28th, 1PM




Register




IFDAT
International Forum for Drug & Alcohol Testing

Attending IFDAT 2024?

Tampa, FL
April 17th-19th, 2024

Hear **Bill Current, President of Current Consulting Group** present with Dr. David Kuntz of CRL and FormFox
Thursday, April 18th | 11:00 am Eastern

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DRUG TEST



State DOT Reporting Requirement

By CCG Staff

Federal Department of Transportation (DOT) regulations on drug testing are well known in the industry. Some states tap into these regulations and add additional state requirements for those employers that are required to follow them. One additional requirement in particular comes in the form of results reporting to state departments of transportation or DMVs. This means that companies that employ certain types of drivers (usually in line with the federal regulations) in the states of Arkansas, California, North Carolina, New Mexico, South Carolina, Texas, and Washington must report drug testing results to the state. Here are some key elements to take note of.



Who reports?

It is clear to whom employers report their results (federal and/or state), but the question of who does the reporting is a little trickier. Some states require just the employer to make the report, while others require it of the medical review officer (MRO), breath alcohol technician (BAT), third part-administrator (TPA), the laboratory, or some combination of some or all of these parties. The following breaks it down by state:

[Arkansas](#) – Employer and TPA

[California](#) – Employer

[North Carolina](#) – Employer

[New Mexico](#) – Employer and TPA

[South Carolina](#) – Employer must report to state; MRO and BAT must report to employer

[Texas](#) – Employer (required); MRO, BAT, TPA, or laboratory (optional)

[Washington](#) – Employer, MRO, and BAT

What is reported?

Requirements on what is reported are very similar from state to state. In each state, alcohol positives and drug positives are reported. However, in some states, alcohol refusals (AR, NC, NM, SC, & WA), alcohol adulterations (SC), drug refusals (AR, NC, NM, SC, & WA), and drug adulterations (AR & SC) must also be reported.

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Being Current

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Just for fun:

- I love being outside, especially gardening, walking, and going to the beach.
- My favorite food is sushi.
- I have been to most National Parks within the continental U.S.



What I did before Current:

- I served in the U.S. Navy.
- I got my bachelor's degree after my military service.
- I have lived in Illinois, Texas, California, and now Florida.



How I can help you be Current too:

- I help with internal and client marketing projects including newsletters, social media campaigns, and website design.
- I have recently helped with a new, informative, awesome project, which is our podcast: Currently Speaking. Check it out!
- Ask me how I can help you market your drug testing services.



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Top 5 Things to Know about Drug Testing in North Dakota

By Amanda Jones, Staff Writer & Editor for Current Consulting Group, LLC

North Dakota sits at the top of the contiguous United States and is known for its wide-open spaces, fiercely cold winters, and family-centered values. Although its population is one of the smallest in the US, its top industry, Oil Drilling & Gas Extraction¹, requires especially safe working conditions and alert employees.

The following are five things you need to know about what North Dakota is doing in drug testing to keep workers safe.

1. Drug Testing Law Type: North Dakota is a pro-drug testing state with few restrictions. One of those few is in regards to how workplace drug testing is paid for (mainly that the employer requesting the test must pay for it to be completed), as well as certain guidelines that must be adhered to in order to deny workers' compensation claims.

2. Special Policy on Cheating: A person is guilty of a class A misdemeanor if that person willfully defrauds a urine test that is designed to detect the presence of a chemical substance or a controlled substance. A person is guilty of a class A misdemeanor if that person knowingly possesses, distributes, or assists in the use of a device, chemical, or real or artificial urine advertised or intended to be used to alter the outcome of a urine test.² No other form of testing was specified.

3. Workers'/Unemployment Compensation Denial: In order to deny workers' compensation benefits, an employer must be conducting drug and/or alcohol testing in accordance with certain requirements established by the state. These include, in some circumstances, compliance with some aspects of the U.S. DOT drug and alcohol testing regulations. Employers are not required to comply unless they wish to possibly move to deny workers' compensation claims. If an employee refuses to submit to a reasonable request to undergo a drug test, the employee forfeits all entitlement to benefits arising out of an injury.

4. Marijuana Laws: Medical marijuana is legal as of 2016. However, the law does not restrict an employer from disciplining an employee for using or being under the influence of medical marijuana while working or possessing medical marijuana in the workplace.³ Recreational marijuana production and use are not legal. In 2019, possession of small amounts of cannabis (0.5 ounces/14 grams or less) for personal use was decriminalized.⁴

[CONTINUE READING HERE >](#)

[1]<https://www.ibisworld.com/united-states/economic-profiles/north-dakota/#:~:text=What%20are%20North%20Dakota's%20Largest,and%20%247.4b%20in%202023.>

[2]<https://www.ndlegis.gov/cencode/t12-1c11.pdf>

[3]<https://www.ndlegis.gov/cencode/t19c24-1.pdf>

[4]<https://northdakotacannabis.org/laws>



The Current Consulting Group provides extensive information about laws in each state that affect workplace drug and alcohol testing at CurrentCompliance.org. Learn how to subscribe [here](#).

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